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A BOOK ABOUT LAWYERS.

VOL. I.

A BOOK ABOUT LAWYERS.

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BY

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"A BOOK ABOUT DOCTORS,"

&c. &c.

IN TWO VOLUMES.

VOL. I.

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PART I.—THE GREAT SEAL.

CHAPTER I.

IN THE BRITISH MUSEUM.

NOT many months since, in the King's Library of the British Museum, I overheard a conversation that suggested to me a commencement for this book, for which I have made notes and collected materials during the leisure half-hours of some busy years.

It was a "public day" in Great Russell-street, Bloomsbury —one of those days on which the trustees of the great national collection throw open their rooms to all orderly persons. Moreover, it was a "public day" at a season when the poorer residents of London are wont to marry and give in marriage, to visit theatres and other places of entertainment, to throng the squares, and hastening through the streets in search of diversion—to make holiday with laborious endeavour to do much in a short space of time. The galleries of the Museum were crowded with workmen attended by their wives and children, with younger operatives pushing onwards and talking loudly to smartly-dressed sweethearts who clung to their arms, and with lads rejoicing in brief exemption from toil, as they raced over the floors, looking at everything and comprehending nothing. There was a strong smell of orange-peel and ardent spirits in the printed book department; and if sight-seeing cousins from the country were oppressed by the noise and heat of the rooms, and exchanged words of regret that they had selected such a *very* public day for their visit to the great bull

of Nineveh, their dissatisfaction was not altogether without a cause.

In this restless and noisy multitude of pleasure-seekers were a young man and a younger woman; the man two-and-thirty years of age, thickset, bearded, clad in a badly-fitting black suit, and noticeable for an unusually large mouth, and an extravagantly triumphant smile; the woman comely, gentle, almost pretty, and dressed in a brown silk dress, light bonnet, and black mantle. Like most of those who followed or brushed before them they spoke aloud, showing complete indifference whether their words were overheard or their actions watched. They were all the world to themselves, and gave no heed to those outside that small circle. At any other season, an observer might have taken them for two humble excursionists from the country, elated with the stir and excitements of the town. But, in the Easter holidays and the British Museum, they were distinguishable as a newly-married couple who were no strangers to London. The gloss and the wrinkles of the badly fitting black suit; the triumph of the young man's smile, and the serene gladness of the young woman's face; his audible flattery, and her blushes, were indicative of recent matrimony.

Had I never seen them before, I should have read their story in ten glances. But their names and way of life were well known to me. The young man was Gideon Cross, clerk to my good friend John Archibald, of the Chancery Bar. The young woman was the wife whom he had married five days before. For ten years Mrs. Gideon Cross had been Mrs. Archibald's maid; the wedding-breakfast had taken place in John Archibald's dining-room; Mrs. Archibald, or Kate, as she and her husband permit me to call her, had given the brown silk dress and wedding-bonnet, and had been a spectator of the "interesting ceremony." Such a romantic affair does not break the quiet of a chancery barrister's household without the knowledge of his intimate friends; and I had been favoured with much pleasant gossip about the loves of Gideon Cross and Elizabeth Handiside, who, after six long years of plighted troth, had, with the consent of their benign employers, launched upon the world as man and wife.

I followed them from the Elgin marbles across the hall of the museum, wishing to give them friendly greeting, to inquire after the air of Margate—the scene of their three days' wedding-trip, and to give them assurance that I should report their reappearance in town at John Archibald's table, whereat I purposed to dine on the following day. But they were too much engrossed by each other to take note of me, and before I could catch their attention I found myself listening to their incautious talk, and smiling at the openness and indifference to observation with which they exchanged lovers' glances.

"A pretty box of rubbish that!" exclaimed Mrs. Gideon Cross, tossing her head contemptuously at the specimens of the Great Seal, which are exhibited in the MSS. saloon.

"Fie, Bess—none of that!" replied Gideon Cross, in a tone of marital superiority and reproof.

"What is it, Gideon? What have I said wrong?" inquired the young wife.

"Why, lass, they are the seals of the kings and queens of England, from the beginning to the end—with the exception of some as are left out. They are impressions of the Great Seal—the Great Seal of England,—the Great Seal as the Lord Chancellor keeps in the Red Bag!"

"Lor, Gideon—the same as I saw all in a bag in the Court of High Chancery, last June twelvemonth, when Mrs. Archibald gave me the day out?"

"The self-same, and identical," responded the clerk, opening his mouth very wide and nodding his head emphatically.

"And the same as I have read of—in—in—ever so many books?"

"The self-same, and identical," replied Gideon Cross.

"Let's have a look at them."

"Ah!—that we will have a look at them,—I believe you."

Steadily they went through the series, from the Seal of Edward the Confessor to the Seal of Her Gracious Majesty Queen Victoria.

"And now," observed Gideon, returning to Edward the Confessor's device, "I'll have another steady stare at the whole of them—for they are in my way. Eh, Bess? They are in my way."

Whereupon Gideon turned up the cuffs of his new coat, and arranged himself for thought, pressing his lips together, knitting his brow, and looking into the eyes of Edward the Confessor with stern scrutiny.

Five minutes passed; and still my friends were standing over the case of seals.

At length Gideon looked up and exclaimed—"Ah, that's it—that's just the state of the case."

"How, what is the state of the case?" inquired Mrs. Cross, roused by her husband's words from a dream. She added, "Lord, Gideon, don't look so hard at me. I don't owe you anything that I ain't ready and willing to pay you. What is it?"

"Just this, Bess—we beats 'em in the wax, but hang me if we beats 'em much in the workmanship." The soul of Gideon was stirred to its depths—for he spoke with the bad grammar of his early youth, ere he fell under John Archibald's tuition.

"What if we don't beat 'em? Who are they?"

"The men as made them old seals."

"That all!" responded Mrs. Cross, with an air of disappointment. "You've been thinking all this time about the seal-engravers—that's like you!"

"And you've been thinking all this time," retorted Gideon, "about the kings and queens, and lords and ladies, who have handled the seals when honest men have made them. That's just like you!"

"Lords and ladies are just as honest as the like of us, and a good deal better-looking," stoutly answered Mrs. Cross, firing up at her husband's insinuation against the great ones of the earth.

"Phaw! lass," answered the husband, laying aside his hard look, and resuming his extravagantly triumphant smile, "I am not the man to bark at my betters. I only meant that I saw you had been at your old trick of romancing. Come, let's sit down and have a rest; and you shall tell me your notions about those lumps of wax."

Gideon and his bride took seats in the King's Library.

On my honour I was at no time within a yard of their seats. On my honour I took no unfair means to possess myself of a conversation not intended for my ears. They were in a public

room—a room noisy with a hundred voices and the tramp of many feet. If young married people speak above a confidential tone in a public room, surely there is no shame to the idler who gives heed to what they say.

"Well, Gideon," confessed the bride, "I did have stories come into my head. I could not help it. It's a way of mine, and it makes me happy. You see, as I looked at them seals, I thought of all the great kings and queens as had looked at them to see if they were made all right, as had turned it over in their minds whether they should give them to this lord or t'other lord. When I saw Henry VIII., and thought of all his wives (poor things!) I couldn't help saying to myself, 'I only wish I had you here, and I'd give you a bit of my mind; that I would.' When I saw Queen Bess ride by, her horse all covered with armour, and a page leading the fine creature, I felt as if I knew her as well as I know Mrs. Archibald, and what's more, I felt as if I should like to give her my opinion about collars; that I did. Seeing Charles I. canter up on his gallant gray, I felt inclined to cry out 'God save the king who wears the red collar!' As for Oliver Cromwell, as he came by, I was almost on the point of calling out to him, 'Bless your impudence; what right, I should like to know, have you to show yourself in the park in the company of real kings and queens?' William and Mary, I thought, looked uncommonly genteel and amiable. I almost turned beggar when my eyes fell on Queen Anne; a little more—and I should have asked her majesty just to give me one of those farthings of hers. George III. appeared a king every inch of him, but still I made so bold to whisper in his ear, 'How about those plantations which I heard Mr. Archibald tell Mrs. Archibald you made away with?' I just made bold to say this, Gideon, on the strength of Mr. Archibald's words, though as to what trees the plantations were mostly composed of, and whether they stood in Kensington Gardens or Windsor, I know no more than a babe unborn. Folks may say what they like; but George IV. *does* look the gentleman, and I can't help hoping that wherever he may be at this present time he is not so hardly dealt by as he deserves to be. As for William IV., I don't know much of him; but when I came to Queen Victoria

—sweet little dear—riding on her delicate steed, and looking for all the world like an angel in a side-saddle, I felt to want to kiss her, and burst out crying."

"Delightful—de-light-ful. Go on, Bess—go it, my dear; keep the ball rolling!" exclaimed Gideon, who had been drinking in his young wife's humour, with open eyes and mouth agape.

"Go on! Haven't you had enough?"

"The stories, my dear,—give us one."

"Oh, wait till we get home. There's such a lot of them, and I must think about them before they'll be fit for telling."

"What a woman you are, Bess! A lot of them! Now I'll be bound that some of them turn upon fairies."

"That they do. It's all magic or fairies from beginning to end. First, I make the Great Seal a magic mirror—one of those crystal mirrors used by necromancers, and the person who looks upon it and has 'the second sight' (of course he must have the 'second sight'—everything depends upon that) sees the dead kings and queens, and all their courtiers, and all their virtues pass before him in one long pageant of silent life. That's my first way."

"Excellent! wonderful!" ejaculated Gideon. "It'll make a book by itself."

"Then I come to my good fairy. I shall manage it this way: The Great Seal is a good fairy, coming in all her beauty to young gentlemen while they are at their studies, and whispering to them that if they are industrious, and temperate, and virtuous, and courageous they may win her hand and take her to their hearts. And of course all the young gentlemen to whom the good fairy thus speaks work hard, and resist temptation, and rise to be lord chancellors, just as Mr. Archibald (God bless him and his lady!) will be a lord chancellor if he doesn't work too hard and overdo it."

"And the wicked fairy?" inquired Gideon, eagerly. "Of course there is a wicked fairy."

"To be sure," responded Mrs. Cross, with an increase of animation. "The seal is a wicked fairy. That is my *third* way. In a different fashion the wicked fairy is almost as charming as the good. She is not so clear in complexion, or so innocent in her looks, or so musical in her voice; but she is

smarter in her talk, and has a fascinating smile, and can draw a weak man to ruin by the witchery of her eyes. This is my wicked fairy, who glides into the chambers of the barristers, and whispers to them all sorts of mean proposals, and promises to make them lord chancellors if they'll desert their friends, or betray their clients, or flatter those who are above them. Oh, there's an excellent story to be made out of the wicked spirit's doings. I shall call her 'Mean Selfishness,' and the good fairy I shall call 'Noble Ambition!'"

"Heaven bless us, Bess, you're better than John Bunyan, who, next Blackstone and Shakspeare, is the most wonderful writer I know of."

"But my *fourth* way is the best," continued Mrs. Gideon Cross. "I make the Great Seal a charmed amulet, which Fate attaches to the neck of those who merit happiness and those who deserve misery. It is the same amulet in all cases, but its effect differs according to the decrees of destiny. Some breasts it fills with delight; others it crams full of sorrow. It makes old men walk upright and with light step, and sometimes it drags down those who are still young to wretchedness and the grave."

Overpowered by her subject, Mrs. Cross paused abruptly; and then, after half a minute's silence, she drew a deep breath, and added, with much earnestness—

"Ah, Gideon, rightly made out and well written, the story of the Great Seal would be a rare story!"

More than is here reported came from the young wife's lips; and when at length she ceased to speak, Gideon Cross, looking into her face with triumph and admiration, exclaimed, "What a wonder you are, Bess! You are better than any book-writer! To think of it, that whilst I, Gideon Cross, was troubling my poor noddle about no grander matter than whether the seals were well or ill engraved, you, Gideon Cross's wife, to wit, were making these beautiful stories." And then, after a brief pause, he added, with an increase of fervour, "Lor, Bess, I do hope to God that you'll always be able to make stories in this same way."

"I shall always be able, Gideon, if you'll only be kind to me as you are now," answered the young woman.

Here was a new thought for Gideon; and he turned it deliberately over in his mind.

"What, then," he asked, when he had examined the thought all round, "you think you'd lose your fancy if I were to treat you badly—do you?"

"Gideon," was the answer, "we house-birds cannot sing when our masters keep the light from us."

In heart and head, in her love and her wit, the clerk's wife was a lady. And no wonder. For ten years she had been Kate Archibald's maid.

CHAPTER II.

A VERY STRANGE STORY.

SHE spoke no more than the truth.

Well planned and well written, the story of the Great Seal would be a rare story.

The Great Seal! Of how many wildly different associations is that word the centre! It calls up the dead of eight silent centuries, placing before the mind much of that which is most beautiful and noble, and not a little of that which is most to be deplored in the growth of England's greatness. The poet's song and the soldier's fame give music and brightness to the atmosphere that covers and surrounds the mystic emblem of sovereign will. For seven-and-twenty generations fair women and brave men have submitted meekly to its influence and bowed before it reverentially. More than a mere symbol of the ruler's power, it has been honoured as the power itself by the flatteries of pliant courtiers, the prayers of wretched supplicants, the hopes of ambition, and the fears of cowardice. What great deeds and petty acts has it accomplished! No less delicate than strong, it can touch with airy lightness or smite with overwhelming force, like Nasmyth's hammer, alternately cracking a nut upon a lady's hand and beating a bar of iron to the thinness of pasteboard. And by how simple a process does it effect its most important as well as its most trivial objects! By the gentle pressure of a magical clasp it gives a sheet of paper or a parchment skin powers which men are slow to concede to the wisest and most virtuous. A gentle pressure, a noiseless closing together of its mysterious parts; and it has reduced multitudes to poverty, destroyed cities, brought down the mighty, raised the weak. An unobtrusive action, in appearance of no greater import than the

movements of him who indolently folds his hands together;—and it has girt the wicked man with a sword and consigned the true prophet to infamy; has given confidence to the timid and hope to the desperate; has washed out the stains of guilt and fixed the destiny of future days; has afforded enduring protection to the guileless followers of science, and catching the transient breath of a hero's fame has given it historic permanency. A touch on this side and on that to a strip of sheep's-skin and it has done all that tyrants dare, more than astrologer or wizard ever pretended to accomplish.

For twice four hundred years it has witnessed the most stirring scenes, held parley with the most famous personages, and been an actor in the grandest episodes of history. The right to guard it from danger has been placed amongst the chief honours of a highly-civilized people; and to win that honour, and wear it for a few brief days, accomplished, resolute, and brilliant men have in each generation striven with fierce rivalry and heroic steadfastness. Through days of toil and nights of study; through long years of exertion, disappointment, and despair; against the difficulties of debt, and mental distress, and feeble health; with an ascetic abstinence from pleasure, and with a terrible concentration of all their powers upon the one desired object, they have striven for that prize, and striven in vain. Bootless their perseverance and self-denial, their learning and integrity, their sacrifices and unconquerable will! Vanquished by the intensity of their own exertions, or worsted by some of those many circumstances and adverse influences which at times stay the speed of the swift and defeat the strong, they failed to achieve their purpose. They "dropt under," and the mighty tide of life which rolled over them is their nameless grave. In the rush for glory weak men jostle against the strong; the pigmy runs between the giant's legs, and trips him up. In the long, unceasing, unintermittent fight for the Great Seal—that fight in which each knight strives for himself, and against every unit of the dense crowd that surrounds him—the contendents are of very unequal powers. The lame, the palsied, and the untrained grapple with sound, stalwart, and skilful combatants; and in nothing has the capriciousness of Fortune been more

signally displayed than in the success which she occasionally awards to the incompetent soldiers. Many are the times that she has wrenched the Seal from a firm grasp and dropt it into a feeble hand; many a time has she led a knave to the Marble Chair, and cast a smile of derision on men too honest to woo her with falsehood; anon she has turned her back on the entire crowd of eager aspirants, and with beautiful malice in her blue eyes has thrown the prize, for which so many able men had striven for years, with brain and tongue, honestly and dishonestly, into the lap of a simpleton who had never expected to touch it, had never even asked for it.

Scarcely less startling than the most striking phenomena of science are the diverse effects which have been wrought in Keepers of the Great Seal by the mere custody of that royal property. To some its acquisition has been admission to new life, to others the first triumph of office has been followed by speedy death. Aged, hoary, wrinkled lawyers, trembling beneath the burdens of time and toil and all the unwholesome conditions of an overworked advocate's existence, have been seen to approach their sovereign with tottering gait, and slowly kneel with stiffened limbs to receive the palm for which they have striven for more than half a century. They have knelt, have clutched the prize, and in an instant the warmth and gladness and exultation and hope of youth's young blood have made their pulses gallop and their nerves tingle with delight. That one electric touch has driven rheumatism from their joints; purged their arteries of gouty poison; brought the pink glow of joyful health to their cheeks—cheeks for many a past day lean, miserable, and yellow; brightened with warm, translucent, violet splendour their dull and rheumy eyes, and given firmness to palsied hands. Rising with a spring they have returned to their homes in glorious rejuvenescence. Fifty years of sadness and study thrown aside, they have returned to the mirth, and sports, and frolic of far distant college days. No longer pale, austere, ascetic workers, they have danced over to the votaries of pleasure, and throwing from them the dry jargon of the courts have sparkled with *jeux d'esprit*, been garrulous with gamesome badinage, and dazzled the town with the brilliance of their *mots*.

Other and more instructive stories might be told. It might be told how men, still in the middle term of life—still in the sunshine of younger manhood—have snatched the coveted prize ere care had ploughed furrows in their faces, or time had placed frost upon their heads. It might be told how these singularly lucky and strangely unfortunate men have borne away the crimson purse before envious eyes, and from that time forth have never known a night of peaceful slumber—an hour of perfect repose. The story might reveal how one, more successful and wretched than all his fellows, could not endure the burden of that bauble: how its weight, so trifling in the scales, was immeasurable in his breast and upon his conscience; how he fled from the eyes of men, and hiding his face, sought the mercy of Death—and found it.

But more marvellous than aught and all that it has done are the vicissitudes which the Great Seal has experienced, the perils which it has encountered, *the deaths which it has survived!* No charmed life of fairy lore surpasses in wonders and incredible incidents the life of the Great Seal. It has seen much service in foreign lands; when the Crusaders stirred all Europe it started in pomp and glittering magnificence upon the road for the Holy Land; it has smiled at the feasts of kings, and starved with hunger in the garrets of continental cities; in vain have Earth, Fire, Air, and Water banded together for its destruction; it has sunk to the bottom of the sea, and has risen again upon the tops of the waves; men compassed its death by hurling it into the Thames, but it asked help of a waterman, through whose timely aid it was restored to the King's House; thieves have stolen it, melted it down, and sold it for old metal, but it escaped from its captors and resumed its former fashion; it has been buried beneath the ground, but friendly hands exhumed it and reinstated it in honour; over and over again ruffians, armed with murderous instruments, have broken it into minute pieces—but still it lives, entire, sound, beauteous, flawless as ever; powerful chieftains of the land have imprisoned it, by setting it fast in beds of metal—but lo! it is with us, free as the breeze, but less fickle. Not many years since, two peers—one of whom is still alive, and openly glories in his deed of violence—deliberately, in the

open light of heaven, and with devilish glee, cut the body of the Great Seal into two parts, severing one side from the other even as a butcher divides a carcase. The impious deed was accomplished; and forthwith its perpetrators shouldered the moieties of their victim, and went their ways rejoicing. It will appear almost incredible to a judicial posterity, but not the less is it a fact, that this atrocity was openly planned and perfected in the presence of an applauding sovereign and beneath the eyes of thousands, amongst whom there was not one to raise a voice in behalf of the sufferer. But what could a callous monarch, an insolent *noblesse*, and a brutalized populace effect against the mystic Seal? Nothing. Those severed parts are again in union; and the Great Seal of England—lives and shall live.

CHAPTER III.

ROYAL PORTRAITS.

IT was the humour of the last chapter to speak of the Great Seal, as though there had been no more than one great seal made since the kings of England first began to place their royal wishes on sealed records. That each sovereign has used his own peculiar seal, and that the opening of each reign has witnessed an actual or formal destruction of the last monarch's broad device, are facts familiar to most persons: but it is less generally known that English kings have changed their seals, and even kept two or more great seals in use at the same time. There are those also who have read certain passages of English history with conscientious care, but have omitted to give due thought to the grave embarrassments and laughable difficulties which have arisen from the existence of rival seals, or the customary use of a Great Seal the genuineness and legal validity of which have been called in question.

As becomes men who are about to consider a great historic subject, let the readers of this volume transport themselves to the tranquil ages of the past, and glance at seals designed and graven in times when art was low and learning was infrequent. There is no need to analyse the *terra sigillata* of the Egyptians, or to speculate as to the proportions of clay and common wax that entered into the compositions of the cement used by Jewish doctors in olden time. Whether Roman scholars preferred seals of paste to seals of carefully prepared fuller's-earth; by what slow gradations the cumbrous lump of dough was refined into the delicate wafer; whether yellow or white wax has higher claims to respect on the score of antiquity; and how far the viscous property of gum was turned to account by writers of secret letters betwixt the days of Jeremiah

and the labours of St. John, are questions for discussion in another place. Antiquaries earnest in the study of diplomatics may vex their brains with these obscure points; but the not laborious students of these light volumes shall go no further back than a bright, sunny morning in the year of our Lord One thousand and forty-two, or thereabouts, when Edward the Confessor sate in solemn state "for his portrait."

In his earlier years that wise and beneficent king learnt lessons of adversity. Stern discipline taught him that to govern a distracted nation is no work for child or fool; and that the king who would rule justly, and be honoured as an upright judge, must perform no important act without deliberation, and must also take good care that in the after-time doubts do not arise as to the circumstances and aim of each weighty deed. In order that he might be a consistent as well as an impartial king; in order that no designing courtier might pervert the light words of his royal lips, giving them the force of meditated utterances; and in order that he as well as his subjects might be irrevocably bound by promises once made—by decisions spoken with due thought, and by engagements cautiously entered into, he resolved that all his more important grants, contracts, and adjudications should be committed to writing, and that each record should bear the impress of his royal seal. In thus resolving, he did but determine to adopt as a rule of his reign a usage which had long prevailed amongst the kings and petty rulers, the corporate bodies and chief religious personages, of that fair realm of France in which he had made acquaintance with sorrow and gleaned virtue from chastisement. On rare occasions, indeed, certain prior Anglo-Saxon kings had executed deeds by sealing them with their seals; but learned William Dugdale, Knight, rightly says in his "Origines Juridiciales:"—"But admitting these few examples, most certain it is, that as Sealing of Charters in the time of our Saxon Kings was not common: so the office of chancellour was not originally denominated from the Keeping of the King's Seal: and that for a constant succession of Seals, we are not to look higher than King Edward the Confessor."

Frivolous persons—who have still to learn that no human

act is altogether insignificant, and that gravest consequences often flow from trivial causes—may be inclined to think that, when King Edward the Confessor had once resolved to have a Great Seal, and cause his royal effigy to be engraved thereon, it mattered little by what means and in what fashion he accomplished his purpose. In so thinking, frivolous persons are guilty of a grand mistake. When the Anglo-Saxon monarch gave a sitting to his most favoured limner, in order that his lineaments and presence might be adequately portrayed upon the Great Seal, he performed an act which, simple though it was, exercised an injurious influence on Art for seven centuries, and will for many a long year of the future continue to influence a few selected artists. It would have been better for the Confessor's reputation with a discerning posterity, had he seen the full importance of his act, or had some critical courtier frankly told His Majesty that if he looked down on future generations, in course of time future generations would return the compliment by looking down on his picture. But unfortunately there was no connoisseur at hand daring enough to say, "In the name of royal dignity I entreat your Highness to let me place you in a graceful attitude!" Doubtless the limner was alive to the mischief which he was about to perpetrate; but either he was a timid knave, and would not presume to speak in the presence of royalty, or inspired with a satanic hatred of kings he seized the opportunity to libel his sovereign lord.

The Confessor was notable for length of limb, and he was induced to place himself on a low seat, which, had he occupied a throne of suitable height, might have served him as a footstool. Moreover, he sate with his face full towards the artist. Consequently, his knees, sticking up in close proximity to his chin, were the most prominent points of his figure; and the too faithful portrait makes him resemble a trussed fowl rather than a creature fashioned after the likeness of divinity. Had the evil ended with the production of one unsightly caricature, no great harm would have been done, but unfortunately the Confessor's picture was accepted as a guide by succeeding artists, who in their likenesses of later sovereigns felt themselves bound to adhere to the ungraceful precedent. Conserva-

tive sentiment converting the blunder into a rule, the kings and queens of England throughout many centuries were trussed in like fashion, and until the middle of the eighteenth century were made to grin over their angular knees, like so many paupers fast set with rheumatism. In the equestrian image of William the Conqueror an effort was made in a happier direction; but the Norman's war-steed having closer resemblance to a greyhound than a charger, and his legs being drawn as long and thin as spears, the effect is not altogether satisfactory. For many a day no attempt was made to straighten the legs of the sitting monarchs. The awkwardness is displeasing in the men, but in the women it is offensive. The aspect of "bloody" Mary, for instance, as she sits by the side of Philip, her consort, confirms every satire on her want of feminine grace. Queen Elizabeth is preserved from ridicule by the expanse of her stiff petticoat, that leaves it open to discussion whether she is sitting or standing; but blushing chivalry looks away from poor Queen Anne, on whose fat legs the drapery lies in huge, unsightly rucks. A better state of things commenced during the Hanoverian dynasty. George I., indeed, fronts his liege subjects, clumsily sitting, knees foremost, like a butcher on his block; but George III., anxious to win the respect of a populace dangerously inclined to laugh at Divine Right, offered a not ungainly side-view to his limner, and George IV. had too much good taste not to follow his father's example. The sailor-king, as he is presented upon his broad seat, enthroned and robed, is most artistically placed, and is a perfect picture of a royal gentleman; and by the gentle beauty and exquisite grace depicted on the present Great Seal—a triumph of art—future ages will be reminded of that fair Christian lady, for whose long life and safety all good Englishmen of these passing days offer fervent prayers.

It has already been stated that the exact year in which the Confessor's seal was made is unknown. There is no proof that it existed during the official life of Edward's first Chancellor, Leofric; but in A.D. 1045 his second Chancellor, Wulwius, affixed it to a royal charter quoted by Dugdale; and the seal was used in like manner by his third Chancellor Reimbaldus. Thus, at the outset of its history, the seal was entrusted to the

care of that officer, whose duties (however humble at their beginning) caused him to maintain a close and constant intercourse with the king, and who in time became the Keeper of the Royal Conscience and the chief lawyer in the realm. By the populace, Chancellors and the Keepers of the Seal were soon spoken of as holding one and the same offices, and for many generations the titles were deemed to have one meaning; albeit, the offices were distinct, and occasions frequently arose when they were filled by different persons. Even in the time of the Confessor, one man is found discharging the office of Chancellor, whilst another is employed to keep and use the Seal. The first Lord Keeper on record (acting merely as a Keeper) is Swardus, who, during the Chancellorship of Reimbaldus, was employed to seal the royal charters; but in that instance, as in many subsequent cases, the Keeper of the Seal was no more than a deputy acting for the Chancellor, and therefore, by a well-known maxim of law, the official acts of Swardus may be regarded as the acts of Reimbaldus.

The Confessor's example in this matter was followed by his successors, whenever they found it convenient to separate the two offices. While Chancellors attended their kings on foreign travel, or were compelled to leave England on missions to continental states, keepers were appointed to use the seals: and, on the other hand, the monarch, attended by his keeper bearing the seals, would cross the seas, whilst his Chancellor remained at home discharging his ordinary functions. In the latter case it was usual for the Chancellor to hold a duplicate great seal, so that the king's business might be carried on, notwithstanding the absence of the Keeper and the veritable Great Seal from the country. Thus, Keeper or Vice-Chancellor Malchien attended Richard I. on the way to the Holy Land, whilst Chancellor Longchamp minded the king's affairs at home. Hence arose the practice of appointing a Lord Keeper to do the Chancellor's work, not merely during that minister's temporary absence from the land, but at times when the Chancellor's office was vacant, and when there was no intention in the king's mind to fill it immediately.

In time, Lord Keepers and Lord Chancellors came to hold, for all practical purposes, one and the same office. The occasions

were rare when the two places were filled at the same time by different persons; and when those occasions ceased to occur the distinction grew to be a mere affair of title—the Lord Chancellor being Lord Keeper with superior rank, the Lord Keeper being a Lord Chancellor with the less noble designation. But it was not till the reign of Elizabeth that an act of parliament put the fact beyond question. When Sir Nicholas Bacon was made Queen Elizabeth's Lord Keeper, an act* was passed declaring that the Lord Keeper was a Lord Chancellor in every respect save that of title. This enactment took from the crown the privilege of having a Chancellor and a Keeper at the same time.

* The act, manifestly drawn and passed by men not familiar with old usage, runs—"The common law of this realm is, and always was, and ought to be taken, that the Keeper of the Great Seal of England for the time being hath always had, used, and executed, and of right ought to have, use, and execute, and from henceforth may have, perceive, take, use, and execute, as of right belonging to the office of the Keeper of the Great Seal of England for the time being, the same and the like place, authority, pre-eminence, jurisdiction, execution of laws, and all other customs, commodities, and advantages as the Lord Chancellor of England for the time being lawfully used, had and ought to have, use, and execute, as of right belonging to the office of the Lord Chancellor of England for the time being, to all intents, constructions, and purposes as if the same Keeper of the Great Seal for the time being were Lord Chancellor of England."

CHAPTER IV.

THE PRACTICE OF SEALING.

IN the first year of his reign, the infant king Henry III. affixed to letters-patent the seal of his protector, William, Earl of Pembroke; and he expressly states that the Protector's seal was employed because he had not as yet a seal of his own. It was not till the third year of his reign, that the youthful monarch had a seal; and even when it had been engraved he was not permitted to use it until he had attained full age, a special act providing that "no charter or letters-patent of confirmation, alienation, sale, or grant of anything under perpetuity, should be sealed with the King's Great Seal until his full age; and that if such were sealed with that seal they should be void." This is a noteworthy instance of a king, sound in mind and body, permitted to sit upon the throne, but restrained from exercising his royal rights.

The wisdom of the restriction is not apparent at first sight. It is to be presumed the boy-king could not, without the consent of his political guardian, obtain a temporary use of another seal; for so long as a donor sealed a grant, it mattered not whether the seal he used were his own or another person's device. "Non refert," says Bracton, "utrum proprio vel alieno Sigillo Carta est signata, cum semel a donatore, coram testibus ad hoc vocatis, recognita et concessa fuerit." But if all other seals were kept from him, why could not his own seal have been put beyond his reach? What reason was there for making a Great Seal, when it was deemed necessary to deprive it of all virtue and force by parliamentary enactment? Perhaps the seal was required as a mere bauble, on occasions of court display; and though it was deemed necessary to entrust him and his Chancellor with a Great Seal for purposes

of theatrical effect, it was thought advisable to render the toy altogether ineffectual for the transaction of business. If this be the true explanation of the arrangement, we have in it an amusing illustration of the importance that is often assigned by rulers to mere symbols.

In sealing letters with the seal "Comitis Willielmi Marescalli"* the infant king did no more than act in accordance with the usage of his social inferiors, who were in the habit of attesting weighty documents with the seals of other persons. "And for inferior persons," says Dugdale, "it was not unusual to seal with the seal of a Dean and Chapter, Corporation, or some eminent man, whose seal was well known, with this expression—Et quia sigillum meum plurimis est incognitum, sigillum Decani et Capituli NN; or sigillum Ballivorum et Communitatis de NN, &c. apponi procuravi." The considerations are manifest that induced men of humble condition to have recourse to this practice. In days when writing was an art almost entirely confined to religious persons, sealing was a far more important and efficacious means of testifying the genuineness of documents than it is at present. At the first glance it might seem that in these days when every servant can use a pen, forgery could be more readily accomplished than when scribes were few in number, and for the most part belonged to one order of the commonwealth. But if with the diffusion of education there has been a great increase in the number of persons able and willing to fabricate false signatures, the means by which we can detect forgeries of the pen are far superior to those formerly possessed by societies in which not one man in five hundred could read a line of writing, not one person in five thousand could on comparing a genuine with a spurious signature apprehend those minute and delicate points of difference by which an expert of modern times distinguishes the authentic

* Dugdale, in the *Origines Juridiciales*, chap. xvi., says—"Whence it is evident that thenceforth (*id est*, from the Norman Conquest) seales were upon all occasions used, though at times those which were not parties to the grant. For instance, King Henry the Third, in the first year of his reign, ends his letters-patent sent to Peter de Mauley thus:—Et in hujus rei testimonium has literas nostras patentes sigillatas sigillo comitis Willielmi Marescalli Rectoris nostri et regni nostri, quia sigillum nondum habuimus, vobis inde mittimus. Teste, &c., apud Winton. xv. Martii."

writing from the fraudulent imitation. In the feudal ages any needy clerk who had turned his attention to caligraphy, could have perpetrated forgeries in perfect confidence that they would endure the scrutiny of the most accurate and skilful of living readers. But the necessity for sealing placed almost insuperable obstacles in the way of those who were best qualified and most desirous to triumph over right by fictitious deeds. It was no easy matter to procure seals of any kind; it was very difficult to obtain for dishonest ends the temporary possession of well-known seals. Private persons seldom had such cunning trinkets. Richard I. is supposed to have introduced seals ornamented with armorial bearings; but it was long before they became general amongst the nobility, and the present century had begun ere they were universally worn by all persons laying claim to gentility. Great barons, ecclesiastical dignitaries, secular and religious corporations, had distinctive seals at an early date; but they were confided to the care of trusty keepers, and were guarded with jealousy. When an official seal was used, its keeper brought it with reverential care from its customary place of concealment, and it was not applied to any document without satisfactory cause shown why its sanction was required. An obscure tamperer with parchments could not hope to lay his hand on one of these important seals. If he procured an impression of a respected seal, he could not obtain a fac-simile of the original. Seal-engraving was an art in which there were but few adepts; and the artists were for the most part men to whom no rogue would dare propose the hazardous task of counterfeiting an official device. Most Englishmen of the present generation, who have been required to "sign, seal, and deliver," can recall the apologetic smile and jocular tone of the family solicitor or other legal adviser who has put an old wafer-stamp in their fingers, and asked them to go through the form of sealing. "It is only a form; an absurd form, which was established by our forefathers; but still you must do it, my dear sir," the polite lawyer has observed; and no injustice will be done to the less exalted division of the legal profession if it is hinted that in many cases the attorney has been ignorant of the value of

that absurd form in times when the act of sealing gave far greater security to transactions by deed, than the process of signing, which in a great majority of cases was performed by men who could only put the sign of the cross after signatures which a notary had written, but which the parties themselves were unable to read.

In estimating the security given by seals, the reader must bear in mind that the forger of deeds in older time had not overcome all difficulties, when he had surreptitiously obtained a seal. The mere act of sealing was by no means the simple matter that it is now-a-days. To place the seal on fit labels rightly placed; and in all respects to make the fictitious deed an accurate imitation of the intended deeds to which the particular seal of a particular great man was applied, were no trifling feats of dexterity ere scriveners had congregated into fraternities, and law-stationers had been called into existence. To get a supply of suitable wax was an undertaking by no means easy in accomplishment. Sealing-wax was not to be bought by the pound or stick in every street of feudal London. *Cire d'Espagne*—sealing-wax akin to the bright, vermilion compound now in use—was not invented till the middle of the sixteenth century. William Hone assures his readers that "the earliest letter known to have been sealed with it was written from London August 3, 1554, to Heingrave Philip Francis *von* Daun, by his agent in England, Gerrand Herman," and long after that date the manufacture of sealing-wax was a secret known to comparatively few persons. In feudal England there were divers adhesive compounds used for sealing. Every keeper of an official seal had his own recipe for wax. Sometimes the wax was white; sometimes it was yellow; occasionally it was tinged with vegetable dyes; most frequently it was a mess bearing much resemblance to the dirt-pies of little children. But its combination was a mystery to the vulgar; and no man could safely counterfeit a seal-impression who had not at command a stock of a particular sealing-earth or paste, or wax. Eyes powerless to detect the falsity of a forger's hand-writing could see at a glance whether his wax was of the right colour.

Moreover, this practice of attesting private deeds by public or well-known seals gave to transactions a publicity which was the most valuable sort of attestation. A simple knight could not obtain the impression of his feudal chieftain's seal without a formal request, and a full statement of the business in hand. The wealthy burgher, who obtained permission to affix a municipal seal to a private parchment, proclaimed the transaction which occasioned the request. The thriving freeholder who was allowed the use of his lord's graven device, had first sought for the privilege openly. "Quia sigillum meum plurimis est incognitum" were the words introduced into the clause of attestation; and the words show that publicity was his object. And to attain that object the seal was pressed in open court, in the presence of many witnesses.

Indeed, the process of sealing was so much more respected than the act of signing, that in some countries the practice of sealing was alone employed; and in England the seal was long regarded as that which imparted validity to a deed, whilst signature was held to be a needless ceremony. The Saxons, who seldom used seals, subscribed their names to their deeds; or if they were unable to write they signed with the sign of the cross, after the manner of King Cædwalla, one of whose charters ends with the following candid avowal of his inability to sign his name:—"Propriâ manu pro ignorantiâ literarum signum sanctæ crucis expressi et subscripsi." In contrast to the Saxon emigrants, the Normans sealed without signing. Edward the Confessor adopted the Norman practice, and attested his charter to Westminster Abbey by seal alone. Of course the conquering barons did not depart in this matter from the usage of their fathers; under their influence the practice of sealing became universal in England, and the necessity for signature ceased to exist. "This neglect of signing," says Blackstone, "and resting only upon the authority of seals, remained very long among us; for it was held in all our books that sealing alone was sufficient to authenticate a deed; and so the common form of attesting deeds '*sealed* and delivered' continues to this day; notwithstanding the Statute 29 Car. II. c. 3, revives the Saxon custom, and expressly directs the signing, in all grants

of lands, and many other species of deeds; in which, therefore, signing seems to be now as necessary as sealing, though it has been sometimes held that the one includes the other. And the more modern opinion, perhaps, is, that the statute of frauds is applicable only to mere agreements, and that signing is not essential to the validity of a deed."

Notwithstanding the difficulties attending their fabrication, spurious seals were manufactured by the knaves of feudal England. The Statute of Treasons, 25 Edward III., declared it high treason for a man to "counterfeit the king's Great or Privy Seal;" but rogues bent on gaining the sanction of the Broad Seal for a wrongful purpose knew how to achieve their purpose without subjecting themselves to the penalties of high treason. They would carefully remove the impression of the king's seal from a genuine patent, and cleverly affix the stamped wax to fictitious letters. By this process a rascally priest concocted a spurious dispensation for non-residence; and he was held not to have counterfeited the Great Seal, but only to have *abused* it.

But the priest's fraud sinks into insignificance when it is compared with the adroit rascality of a clerk in Chancery who lived in Sir Edward Coke's time. First, the dexterous knave placed two pieces of parchment, one above the other, and glued them together with such nicety and exactness, that even on close observation the two skins seemed but one skin. That done, he drew out a patent on the upper piece, and in the usual manner procured the impression of the Great Seal, the label of the seal passing through both skins. Having thus obtained the seal, he dissolved the glue which held the skins in union, removed the parchment on which the genuine patent was written, and then inscribed upon the blank skin a patent in all respects accordant with his wishes. This trick was such a master-piece of fraudulent practice that its exposure must be mentioned in terms of regret. On the discovery of the fraud it was decided that the clerk in Chancery had not counterfeited the Great Seal, and had been merely guilty of a great misprision. But though he had only committed a comparatively slight offence, such was the cruelty and such the injustice of

public opinion that the artist was exposed to much obloquy and scornful satire; and, if Sir Edward Coke's warmth may be taken as a truthful indication of prevailing sentiment, the unfortunate gentleman never altogether recovered that good esteem which he had forfeited by a delicate and ingenious, though indiscreet, attempt to control circumstances.

CHAPTER V

LORDS COMMISSIONERS.

THERE being no constitutional provision for securing an unbroken occupation of the keeper's place, similar to the precautions taken by the Constitution of the United States of America against the chances of a vacant Presidential throne, there has always been a greater or less interval between the close of each lord keeper's official life, and the commencement of his successor's tenure of place; and during these intervals the seal has always been for a greater or less length of time in the actual or nominal possession of the monarch. During these periods of personal tenure of the Great Seal, kings have often amused themselves with applying it to letters with their own hands. For instance, Richard II. himself sealed the commission by which he appointed certain trusty and noble servants to proceed to Germany, and act as escort and convoy to the Emperor's sister, Lady Ann, about to become His Britannic Majesty's queen-consort. Henry IV., on the dismissal of Thomas Arundel from the chancellorship, with his own hand affixed the seal to charters, letters-patent, and writs. In like manner when Wolsey had placed the seal in the hands of the Dukes of Norfolk and Suffolk, Henry VIII., by sealing certain letters-patent, showed that if there were need for him to do so, he could act as his own lord keeper. At York, Charles I. kept the Great Seal in his own hands, entrusting it to Sir Edward Littleton when there was need for an impression, but requiring the lord keeper to restore it to him as soon as the sealing was finished. Before the Restoration, Charles II. acted for years as his own lord keeper. Notwithstanding the statement inscribed upon his wife's tomb in Kingsthorpe, it is doubtful if Sir Richard Lane was ever lord

keeper to the exiled monarch; but if Lane held the office, Charles unquestionably kept his first Great Seal for himself whilst he was in Scotland, and until the Battle of Worcester. Again, between the date of his compulsory departure from Paris and Hyde's instalment at Bruges, the exiled monarch personally held the seals. After the Restoration he acted as his own lord keeper on a memorable occasion. When the not too scrupulous Lord Chancellor Nottingham wanted courage to put the seal to Danby's pardon, Charles II. took the broad device from the timid lawyer, and either with his own royal hand, or by the hand of an obsequious servant, sealed the pardon which he forthwith presented to the Earl of Danby. This unkingly business done, Charles returned the seal to his chancellor, saying, "Take it back, my lord; I know not where to bestow it better." A compliment was never more deserved. Lord Chancellor Nottingham was Heneage Finch, that same silver-tongued lawyer whose family was more famous for eloquence than honesty, and who, when he represented popular rights in the House of Commons, said in the debate on the Declaration of Indulgence: "The question is, whether the king cannot dispense with the laws in order to the preservation of the kingdom; and we are all miserable if he cannot." Strange that the lawyer, who in his upward struggle had dared to use his matchless eloquence against the national liberties, feared to put the seal to Danby's pardon! Still, notwithstanding his occasional want of nerve, he was a useful tool; and the monarch, who sold England's honour for French gold, spoke sincerely when he said "Take it back, my lord; I know not where to bestow it better."

Many similar cases, where British monarchs have themselves used their own broad seals, could be mentioned, but Nottingham's momentary resignation and immediate return to office may be pointed to as marking the shortest period during which an English king has been his own lord keeper.

At times when the Great Seal has not been in the hands of the crown, it has often occurred that the country has been without a lord keeper, and also without a lord chancellor. In such cases the seal has been entrusted to a committee of several persons, and the seal itself has been said to be "in

commission." One of the earliest instances of this arrangement occurred in the reign of Edward III., when in the interim between Robert Parnynge's death and Robert de Sadyngton's chancellorship the Great Seal was entrusted to the Master of the Rolls and two other officers. After an interval of a few years, on the sudden death of Chancellor John de Offord, the seal was again in commission—three persons assisting the Master of the Rolls to use it: and since that time the seals have frequently been in commission for longer or shorter periods. In the seventeenth century commissions were very common. The parliamentary soldiers and leaders entertained illogical but wholesome prejudices against lawyers: and during the Commonwealth the Great Seal of Great Britain was entrusted to various commissions, of which more will be said elsewhere. Following the established custom, and thereby gratifying public opinion, William III. was averse to the thought of appointing a chancellor; and Somers was not raised to the high place on which he shed undying lustre, until the king had found reason to distrust commissions. William's first set of commissioners—Maynard (ætat. 87), Keck, and Rawlinson—notwithstanding Maynard's learning, wit, and high repute, caused much dissatisfaction amongst lawyers and suitors; and the succeeding three, amongst whom Rawlinson again had place, did not fare better.

Indeed Commissioners of the Great Seal have seldom met with public approbation in these later times; and although in days when the rules and practice of Chancery were less definite and complicated than they are at present, the division of the Chancellor's honour and responsibility afforded some securities for public welfare, and was attended by comparatively few inconveniences, it may be confidently asserted that no prime minister of the present reign will advise the Queen to place her Great Seal in the keeping of a board of honourable gentlemen for any long period of time. Of all known commissions of the Great Seal, that which was appointed after the tragical death of Charles Yorke, became at the same time the most unpopular and ridiculous. It consisted of three puisne judges, whose familiarity with the Courts of Equity was not greater than that of most puisne judges. Sir Sidney Stafford Smythe, Sir Richard Aston, and

the Honourable Henry Bathurst were the lawyers thus raised above their fellows, and in mental anguish they paid a high price for an elevation which lasted for about twelve months. At length the endurance of the public gave way, and to pacify lawyers and clients, it being found necessary to appoint a Chancery commander-in-chief, honest Henry Bathurst was advanced to the peerage, and authorized to dispense bad law without the trouble of having to consult a pair of equally inefficient assessors. When Sir Fletcher Norton heard of Henry Bathurst's advancement, he exclaimed: "What three could not do is given to the most incompetent of the three." Many are the good stories told of the blundering Henry Bathurst, son of that witty earl who was the friend of Swift, Addison, and Pope; that old Lord Bathurst, who in his eighty-sixth year said to Lawrence Sterne, "Come home and dine with me."

In his declining years, this fine old nobleman was a far brighter, merrier, and *younger* fellow than his calm, phlegmatic son. The joke went about that there was a strange and miraculous secret in the Bathurst family; for that, as a matter of fact, young Henry Bathurst was his father's father. Humouring this absurd notion, Lord Bathurst, on his son taking leave of a noisy supper table, said to his friends, "Now that the old gentleman has gone to bed, let us be merry, and enjoy ourselves." A less pleasant anecdote shows the low esteem in which the Lord Chancellor was held by the Bar. Until the earldom of Bathurst devolved upon him through the death without issue of his elder brother, the Lord Chancellor was known in the peerage as Baron Apsley, of Apsley, in the county of Sussex, and as Baron Apsley he built at Hyde Park Corner the mansion which has become an object of historic interest. Whilst Apsley House was in course of erection, the Chancellor had a dispute with a soldier's widow about her right to a patch of contiguous ground. The woman was resolute in maintaining her position, and she had actually commenced a suit against the head of the legal profession in his own Court, when he satisfied her with a sum of money. No sooner was this arrangement effected, than a barrister, with more wit than decency, exclaimed in open court,

"Here is a suit by one old woman against another, and the Chancellor has been beaten in his own court." Such was the rage for attributing foolish speeches to this worthy man, that he could scarcely open his lips in public without becoming the victim of malicious misrepresentation. Again and again has the story been told, that at the close of the trial of the Duchess of Kingston for bigamy, he gravely addressed her grace in the following terms: "Madam, the lords have considered the charge and evidence brought against, and have likewise considered of everything which you have alleged in your defence; and upon the whole matter their lordships have found you not guilty of the felony wherewith you stand charged; but on dismissing you their lordships earnestly exhort you not to commit the same crime a second time." Like most good stories, this humorous anecdote is untrue. From the beginning to the end of the trial Lord Chancellor Bathurst behaved, as Lord High Steward, with discretion and dignity. Having informed the duchess that the lords had found her guilty, he inquired, "What have you to allege against judgment being pronounced upon you?" She pleaded privilege of peerage; and her prayer having been allowed, the Lord High Steward said to her, "Madam, the lords have considered of the prayer you have made, and the lords allow it. But, madam, let me add, that although very little punishment, or none, can now be inflicted, the feelings of your own conscience will supply that defect. And let me give you this information likewise—that you can never have the like benefit a second time, but another offence of the same kind will be capital. Madam, you are discharged, paying your fees."

Since the commission, which was followed by Henry Bathurst's instalment in the Marble Chair, there have been four occasions when the Great Seal has been held by commissioners. Between Thurlow's first and second chancellorships, the Great Seal was committed to the care of Lord Loughborough, Chief Justice of the Common Pleas; Sir William Henry Ashurst, justice of the Common Pleas; and Sir Beaumont Hotham, baron of the Exchequer. In 1792, filling a gap between the second chancellorship of Thurlow and the instalment of Lord Loughborough, there was a short-lived

commission. On Lord Lyndhurst's resignation in 1835 the seals were put in commission—Sir Charles Christopher Pepys, Vice-Chancellor Shadwell, and Mr. Justice Bosanquet being the commissioners, until Sir Christopher Pepys became Lord Chancellor with the title of Lord Cottenham. Lastly, on Lord Cottenham's retirement, a commission—consisting of Lord Langdale, Vice-Chancellor Shadwell, and Sir Robert Monsey Rolfe—held the seals from June 19, 1850, to July 15, 1850, on which latter day Lord Truro became Chancellor.

CHAPTER VI.

ON DAMASKING.

ALTHOUGH English monarchs have usually had but one Great Seal at a time, it has from time immemorial been customary to speak of the Lord Chancellor or Lord Keeper as holding "*the seals.*" Ambitious lawyers are commonly said to be candidates for "the seals;" and when the House of Lords receives a new president, the fortunate man is applauded for having won "the seals." The term has often created in uninquiring minds a misapprehension that the Chancellor is invariably the keeper of at least two seals; and it has even led legal writers into mistake.

In the introduction to his "Lives of the Chancellors," Lord Campbell says—"In early times, the king used occasionally to deliver to the Chancellor several seals of different materials, as one of gold and one of silver, but with the same impression, to be used for the same purpose; and hence we still talk of 'the seals being in commission,' or of a particular individual being 'a candidate for the seals,' meaning the office of Lord Chancellor—although, with the exception of the rival Great Seals used by the king and the parliament during the civil war in the time of Charles I., there has not been for many centuries more than one Great Seal in existence at the same time." The author of the "Lives," in a note, which appears in his latest edition, adds—"The French expression of 'Garde des Sceaux' arose from the Chancellor in France always having the custody of a variety of seals applicable to different purposes. In England, the same person has had the custody of the Great Seal and the Privy Seal; but this was contrary to law and usage, the one being a check upon the other." Perhaps a stranger mistake than this cannot be found amongst the many

strange mistakes of Lord Campbell's equally entertaining and inaccurate volumes. Of the facts which might be adduced in defence of his blunder the historian makes no special mention, doubtless regarding his assertion as so unassailable that it needed no support from historic authority. When his lordship errs in the estimate of a distinguished politician, or adopts without inquiry the conclusions of a previous writer, or betrays a superficial acquaintance with books, or an almost total ignorance of the old State Papers, the accurate reader feels no surprise, and can readily account for the shortcomings of the energetic and eminent book-maker, who, notwithstanding his fervent and creditable ambition for literary renown, could not spare time for research or systematic mental culture. But it is less easy to pardon the biographer's carelessness and want of sagacity in his treatment of questions that relate to the ancient usages of his profession and to the curiosities of the high office which he was destined to fill. Any barrister's clerk of average intelligence could have told him that the "Great Seal" was often mentioned in the plural number as "the seals," because it was made in two parts—the obverse and the reverse of the seal being indeed separate and distinct seals. It is true that Lord Campbell, when he wrote his "Lives" had not risen to be Keeper of the Great Seal; but he must in the course of his life have seen many impressions of it, and must have known that those impressions were obtained by placing wax between the "two seals" which in combination form "the Great Seal."

But few English sovereigns are known to have had two or more contemporaneous Great Seals; and it is improbable that the monarchs who were thus rich in seals made it a rule to entrust them both or all at the same time to one officer. Kings who had occasion to travel in foreign lands not unfrequently had two different Great Seals, or a Great Seal and a facsimile—one for the use of royalty on his travels, the other for the use of the Chancellor entrusted with the conduct of affairs at home; one being in the custody of the keeper in attendance on his liege lord, the other being left with the chief of the High Court of Chancery. But in cases where the two seals have different designs, common prudence would dictate that they should be kept from

the grasp of one man; and it cannot be doubted that in most instances prudence controlled the action of the crown with regard to this matter, as kings are continually found destroying their discarded seals, for the sake of avoiding the confusion and troubles that might ensue if, without an especial reason, they retained in use, or even in existence, seals of diverse patterns.

Edward III. was remarkakle for the number and variety of the Great Seals which he caused to be made. His assumption, renunciation, and resumption of the title of King of France, and certain exigencies of state consequent on his frequent departures from England, brought about his frequent changes in the pattern of his seal. In all he had no less than seven Great Seals, of which the first was destroyed nine months after his accession to the throne, and before the second seal was affixed to any document. The fourth seal (engraved on his formal assumption of the title of King of France) was also destroyed on the day that the fifth was brought into use. The third seal was first used on July 10, 1338, when the king, being about to leave the country, sent an impression of it to all his principal servants of state, intimating that during his absence it would be the Great Seal for domestic use, whilst his other (No. 2) seal would attend him abroad. On the king's return from Tournay, on Nov. 30, 1340, a sixth seal, made in foreign parts, was given to William de Kilderby, and an order was given that during the king's presence in the country it should be used in place of the destroyed fourth seal; and that the fifth seal should be again used during any future absence of the monarch from the realm. These two last-mentioned seals were employed till 1360, when the seventh seal, the handsomest of all the seven, was engraved in accordance with the terms of the peace of Bretigny. When that treaty was set aside, the king again resumed the title of King of France, and took his fifth and sixth seals once more into use. The style of the seventh seal is 'Rex Anglie, Dominus Hibernie et Aquitannie;' and as this legend was too modest for the royal pretensions, the seal was disgraced and banished to the Treasury. Subsequently, however, this seventh seal was reinstated in office, its style being amended to 'Rex Francie et Anglie, et Dominus Hibernie; and it did duty as the Great Seal, not

only during the remainder of Edward III.'s reign, but also during the reigns of the four next monarchs, the necessary alteration of name being made in each case. Readers should bear in mind that the seventh seal during its period of disuse was not left in the Chancellor's hands, but was sent back to the Treasury.

From remote days in our history the destruction of discarded Great Seals has been accomplished with due ceremony, and until recent times with great completeness. It is matter of record that Edward III.'s first seal was broken "in minutas pecias" on October 5, 1327, and that the Chancellor gave the fragments to his sealer. This notice is of interest; for as the Chancellor could not give away that which did not belong to him, the gift makes it clear that at that early date the pieces of a destroyed seal were a perquisite of the Chancellor, and his perquisite they have remained to this day. Moreover, the fact gives us an insight into the spirit, or at least the manners, of the epoch. In modern times Chancellors have jealously preserved the damasked seats that have fallen to them as perquisites of office, regarding them as trophies to be handed down amongst most precious heir-looms by their descendants to their descendants. The carelessness with which Edward III.'s Chancellor tossed over the fragments of the broken seal to his sealer (who most likely put them without delay into the melting-pot) shows that he himself held the relics in no high esteem, and may even be taken as an indication that, in an age when loyalty was a first article of every Englishman's religion, the monarch's touch did not render sacred in the eyes of his subjects every object on which it rested. The curious collectors of this day put high price on articles which five centuries since would have gone begging for a purchaser; and in like manner the knowing men of the fourteenth century were ready to fight for relics which would be lightly esteemed by the connoisseurs of our London auction-rooms. Had the minute pieces of King Edward's broken seal been fragments of a saint's thigh-bone (say St. Swithin's), the Chancellor would have been less ready to present them to his servant.

Like Edward III., Henry VIII. had occasion to adopt a new seal in consequence of an alteration in his royal style. When

he had finally broken with Rome, he delivered into the hands of Sir Thomas More's successor a new broad seal, which is minutely described in the Close Roll, the old Great Seal having been previously destroyed.

For a less weighty reason James I. caused his seal to be altered. On July 19, 1603, Elizabeth's seal was broken, and the monarch placed his own seal in the hands of Egerton, who was then first authorized to bear the higher title of Lord Chancellor, and was moreover raised to the peerage with the title of Baron Ellesmere. Two years later James gave a warrant to the Lord Chancellor empowering him to alter the seal, "forasmuch as in our Great Seal lately made for our realm of England, the canopy over the picture of our face is so low embossed that thereby the same seal in that place thereof doth easily bruise and take disgrace."

Few Great Seals have been broken with greater pomp and amidst livelier excitement than the *Clavis Regni*, which Lord-Keeper Littleton followed at full gallop from London to York, which figured in the High Court of Chancery presided over by Littleton in the Philosophy Schools of Oxford, and which was left in Lord-Keeper Lane's hands, when Charles I., under the disguise of a groom, rode away from Oxford, on the announcement that Cromwell and Fairfax were marching on the stronghold of loyalty. In settling the terms of honourable capitulation, Lane did his best to retain possession of the Broad Seal, but Fairfax insisted that it should be surrendered to him. The point was yielded by the military lawyer, who had no sufficient power to resist the parliamentary soldier. The king's seal became the property of his enemies, and as soon as Parliament received intelligence of their prize, they made an order that their general should forward it to them from Oxford, and that on its arrival it should be defaced and broken. On August 11, 1646, the order for its destruction was carried out in the presence of a crowd of animated witnesses. When Lenthal had produced it at the bar of the House of Peers, a stalwart smith made his appearance, and, amidst deafening acclamations, struck into fragments the bauble which had occasioned the nation so much uneasiness, and with a facsimile of which the Parliament had been carrying on, and still meant to carry on, the country's

business. It is noteworthy that the fragments of this seal were divided between the Speakers of the two Houses—not between the six Commissioners (two peers and four members of the House of Commons) who were the custodians of the parliamentary facsimile.

The time was fast approaching when the Parliament decided to set aside their facsimile of the Royal Seal, and to adopt a device of their own. In the same month which saw Charles I.'s trial, the Parliament resolved to adopt as the *clavis reipublicæ* a Great Seal, having on the one side a map of England, Ireland, Jersey, and Guernsey, the arms of England and Ireland, and the legend "The Great Seal of England, 1648;" and bearing on the other a picture of the House of Commons, inscribed, "In the first year of freedom, by God's blessing restored, 1648." At the time of the king's execution, Sir Thomas Widdrington and Whitelock were the keepers of the parliamentary *facsimile;* and as soon as that tragedy had been enacted, steps were taken for substituting the new seal for the counterfeit. It was ordered "that Sir Thomas Widdrington and Mr. Whitelock, the Commissioners of the Great Seal, be required to surrender the Great Seal now in use, bearing the name and insignia of the late king; and that an ordinance be brought in to authorize the use of the new Great Seal made by the order of the House, and to appoint them the keepers thereof." In compliance with this order the facsimile was broken in the House of Commons by a smith, who did his work in the presence of the Speaker and assembled members. The pieces of the facsimile, together with the bag, embroidered with the royal arms, in which the seal had been kept, were assigned to the two commissioners as "fees." Widdrington, however, declining to act as a Commissioner of the Republican Seal, it was entrusted to a new commission composed of Whitelock, Lisle, and Keble.

In due course this seal came to the hammer. In 1659 the Rump, on reassembling, resolved "that a new Great Seal be with all speed prepared and brought into this House, according to the form of the last Great Seal made by authority of this parliament, and that the last great seal be brought into this House to be broken before the parliament." This new

seal was a reproduction of the one ordered by Parliament in January, 1649, save in respect of the legends, which were—"The Great Seal of England, 1651," on the side bearing the maps; and "In the third year of freedom, by God's blessing restored 1651." Of the destruction of Cromwell's Great Seal, a sufficiently minute description is extant. Whitelock having laid it before the Rump, a smith broke it into several pieces, which the ex-commissioners divided as their "fees."

The existence of the seal made by order of the Rump did not last many days beyond twelve months; but in its brief day it saw strange scenes, was the centre of much warm contention, occasioned an earnest discussion, the memory of which now-a-days raises a smile, and passed into the hands of several different keepers. Of its strange fortunes notice must be taken elsewhere; for the present it is enough to record its death. In 1660, when the House of Stuart had been restored with much noise of trumpets and an excess of drunkenness, the republican seal was doomed to death. It had been instrumental in bringing about the triumph of monarchical principles, but, less fortunate than General Monk, it could not induce the restored party to pardon its misdeeds in memory of its more recent good services. The order was given for its execution, and accordingly it was laid upon the clerk's table in the House of Commons, and by a smith's strong arm was broken in the presence of the Speaker, the several pieces into which it was thus divided being distributed amongst its ex-lord commissioners. Forgetful of his own previous statements, Lord Campbell remarks on the destruction of this seal, "This was the final end of the Great Seal of the commonwealth, which the king himself, in the treaty at Newport, had agreed to acknowledge, and under which justice had been long administered, commissions had been granted to victorious generals and admirals, and treaties, dictated by England, had been entered into with the most powerful nations in Europe." When the noble author penned this sentence, he forgot that the Great Seal of the Rump's manufacture replaced the Great Seal which Cromwell's wise and energetic policy had rendered an object of respect.

For several generations the custom of actually breaking

discarded seals has been disused; but the ceremony of breaking—or *damasking*, as it is termed—is still observed by our sovereigns, who, when they thus formally set aside an old seal, tap it gently with a hammer, at the same time ordering their loyal subjects to regard it as smashed and ground to powder. The old seal thus courteously knocked on the head is still capable of giving an impression; but in these days of accurate records and official vigilance there is no fear that any possessor of a discarded seal will peril fame and estate by applying it to a parchment with a fraudulent intention. To counterfeit an old Great Seal is treason. Even when Henry VI. had been attainted as an usurper, it was for manifest and good reasons held that to counterfeit his Great Seal was an offence against the king's majesty.

Chancellors still regard disused seals as their perquisites; and in modern times no chancellor, during whose official life a Great Seal has been damasked, has failed to claim it as his right. In families ennobled by the law, the damasked seal, held by an ancestor whilst royal virtue yet remained in it, is treasured amongst sacred heirlooms and relics. Instead of imitating the indifference with which Edward III.'s chancellor gave the fragments of a broken seal to his sealer, the modern chancellor seizes a damasked device with a triumphant eagerness almost equal to that with which he clutched the seals on his first accession to office, when they were not empty baubles, but mysterious channels through which the sovereign dispensed his gracious will.

Within the memory of men who are still young, there was a keen contest between Lord Lyndhurst and Lord Brougham, with regard to their respective claims to George IV.'s great seal. On William IV.'s accession, when an order in council was made for a new Great Seal, Lord Lyndhurst was Chancellor; but before the king's engraver had accomplished the order, and whilst George IV.'s seal was still in use, Henry Brougham became the keeper of the king's conscience. When, at length, the seal of the last reign was damasked, the question rose—to which of the two lawyers, the chancellor or the ex-chancellor, it fell as a perquisite of office. Lord Lyndhurst (who was unquestionably in the wrong) advanced his claim on

the ground that, as the order was made during his tenure of office, the seal was actually discarded during his chancellorship, and therefore it fell to him. On the other hand, Lord Brougham argued that the order for a new seal was but a step prudently taken in anticipation of the act by which George IV.'s seal was destroyed; that, whilst the order was being executed by the engraver, the seal of his late Majesty George IV. was in fact as well as theory the seal of King William IV.; that he, Baron Brougham and Vaux, had held this same seal and done business with it, no one venturing to hint that its virtue was impaired or in any way affected by the order in council; that the seal was not destroyed till William IV. damasked it, at which time he, Lord Brougham, was its holder. In short, the chancellor contended that the order in council was no part whatever of the act which destroyed the old seal; that it was but a provision against the time when the king should see fit to change his old seal, bearing his predecessor's image, for a new seal adorned with his own likeness.

Lord Brougham established his claim in the opinion of lawyers, but Lord Lyndhurst would not recede, and though the dispute was nominally an amicable difference, it occasioned some very warm discussion amongst the more enthusiastic adherents of the two great men. Lord Lyndhurst's friends, in searching for precedents, fell back on a case that was attended with awkward reminiscences to the ardent champions of monarchical principles, who thus cited it in their behalf. When the republican seal was broken in the House of Commons in 1660, Hyde was Lord Chancellor, and yet its fragments did not fall to him, but to men who were, for the sake of argument, represented as his predecessors in office—the ex-Lords Commissioners. At first appearance the case might seem to favour Lord Lyndhurst's pretensions. The republican seal in a certain sense was King Charles II.'s seal; he had agreed to acknowledge it, and it had been affixed to writs running in his royal name. It cannot be questioned that the seal of the Rump had become the king's seal. But the king had at the same time another Great Seal, bearing his style and image, which seal his Lord Chancellor Hyde had kept and used, both during the existence of the republican seal, and prior to its

manufacture. He was thus, like Edward III., an English king with two Great Seals, one of which his Lord Chancellor attending him abroad had used, and still retained on his return from foreign parts; whilst the other had been in the hands of commissioners, whose official existence His Majesty had recognised, and who had done the royal business during the king's absence from the realm. In theory and practice the republican Lords Commissioners had been the King's Commissioners, and when, on his return to England, Charles directed that the seal for which he had no further use, should be destroyed, its remains fell in accordance with custom to its last keepers, who were not Hyde's predecessors in office, but rather were Lord Keepers, whilst he, according to the theory of the royalist, was Lord Chancellor. Thus the case on examination was shown to have no special bearing on the difficulty under consideration. It agreed with the rule that damasked seals should fall to their last appointed keepers. But Lord Lyndhurst was not the last appointed keeper of the seal bearing George IV.'s image; King William had actually entrusted it to Lord Brougham.

The dispute was at its height, when William IV., acting as arbitrator with the consent of the parties, terminated the contest by a decision which, like most decisions arrived at by arbitration, was directly in defiance of principle, precedent, and law. To one lawyer the reverse of the seal was awarded, to the other the obverse; and in order that his decision might be acceptable to both suitors, the king directed that each part should at his own royal cost be set in a rich silver salver.

Damasked seals are usually thus preserved in settings of precious metal. In the schedule of heirlooms, annexed to Lord Eldon's will, mention was made of his salvers containing George III.'s Great Seal.

CHAPTER VII.

ON ITS TRAVELS.

PRIOR to the fourteenth century the Great Seal was so perpetually on its travels that a more obstinate vagabond could not have been found in the kingdom. Whithersoever the king went it did its best to dance attendance on the royal person; and in order that it might the more easily achieve its courtly purpose, special arrangements were made for its entertainment and convenience. In whatever city the monarch tarried, an hospitium or inn was set apart for the residence of the chancellor, his masters, and his clerks. That the learned lawyers were often compelled to sleep three in a bed, and that the chancellor was exposed to occasional hardships of travel, there is sufficient testimony; but the utmost was done to render the course of the king's chancery smooth and prosperous. A stout horse was always in readiness, on which the rolls could be packed, and wheresoever the chancellor rested, the rude sofa of the period, a woolsack, gave solace to his aching limbs. It stands upon record how in the twentieth year of Edward I. the Abbot of Kingswood expended forty shillings on the horse appointed to bear the rolls of chancery. In the third year of Edward II., the Abbot of Beaulieu was required to furnish a stout and able pack-horse for the same purpose, the king, in his mandate to the abbot, frankly admitting that the royal stud was sadly in want of such a beast.

It is uncertain at what exact date the lawyers first entered their quarters at Westminster. In Edward II.'s reign mention is made of the hall as a place where the chancellor held his sittings; but as the record, bearing date July, 1310, in which it occurs contains the words "ubi cancellarii Regis sedere consueverunt," the precise antiquity of the usage remains in

doubt. A record of the nineteenth year of the same reign mentions for the first time the "tabulam marmoream," at which the chancellor was accustomed to sit. Amongst the beneficial reforms for which history renders thanks to Edward III., was the arrangement which fixed the Chancery and Queen's Bench at Westminster, thereby relieving suitors in those courts and their lawyers from the disagreeable and costly necessity of following the king's person.

The adventures of the Great Seal on its travels would of themselves make an amusing book. When Richard I. started for Palestine, he left the government of his realm to Chancellor Longchamp, and took with him the Great Seal under the custody of Vice-Chancellor or Keeper Malchien. Proud of his office, and obeying the usage of the time, Keeper Malchien always bore the Great Seal round his neck, to the great admiration of the vagrant and chivalric courtiers. Off Cyprus the good man had the ill luck to topple overboard into the sea, and to be drowned, together with the bauble under his charge. Whether Malchien could swim, and whether the weight of the seal and its chain rendered vain his efforts for self-preservation, the record sayeth not. It is enough to know that the Great Seal and its keeper "went under," as the Americans express it, and were no more seen.

There exists no conclusive evidence as to the end of Charles II.'s first Great Seal, which he caused to be made in Holland, carried to Scotland, and held in his possession when he marched at the head of his Scotch soldiers to the Battle of Worcester. The belief, however, prevails that it found a watery grave in the Severn, having been thrown into that river, so that it might not fall into the hands of Cromwell's soldiers.

This story receives a trifling support from the mode in which James II. endeavoured to make away with his Great Seal in 1688. When the foolish, fallen king, disguised and full of fears, stole from Whitehall on the night of December 10, and attended by Sir Edward Hales, entered a hackney-coach, the Great Seal was in his pocket. Clattering over uneven ways, the humble carriage passed through dark and dangerous streets to the Horse Ferry, Westminster. At that point the fugitives dismissed their driver, and made the transit of the

river in a boat rowed by a single sculler. Half the passage was accomplished, when the sovereign drew forth the seal, and dropped it beneath the gloomy surface of the water. If its fall caused a sound, that sound was overpowered by the noise and plashing of the oars. In the knowledge that the disappearance of the seal must occasion a certain amount of temporary trouble, and perhaps in a superstitious belief that the government of the country could not be carried on without the mystic power of the *Clavis Regni*, James felt a weight leave his heart when he had thus relieved himself of the burden. It may be that as the seal left his hand he thought of his brother's act done after the defeat of Worcester; it may be that he had been determined to throw his seal into the Thames by the recollection that his brother had in like manner enriched the mud of the Severn.

But the grave surrendered its victim. William of Orange used this same seal in the first business of his reign. The exact day of its recovery is unknown; but a fortunate fisherman caught it in his net, and after his first surprise had subsided, bore it in triumph to the Lords of the Council, who in due course placed it in the hands of the Deliverer. When the gentlemen of the long robe hastened to Whitehall with an address expressive of loyal attachment to William, Maynard's grey head and venerable presence were conspicuous in the first rank. The lawyer was in his eighty-eighth year, and with pleasant courtesy the Prince congratulated him on the honours of his green old age, and observed that he must have outlived all the lawyers of his time. "Sir," answered the old sergeant, with ready wit, "if your highness had not come over to our aid, I should have outlived the law itself." On the 4th of March, Sir John Maynard, Anthony Keck, Esquire, and Mr. Sergeant Rawlinson were appointed Lords Commissioners of the Great Seal; and in that capacity they held and used the seal which had been fished out of the Thames, until (in compliance with an order made in council on May 23, 1689) a new Great Seal, adorned with likenesses of William and Mary, was substituted for the late king's device. On Mary's death, William III. had another Great Seal engraven, from which his consort's image and name were omitted.

In the recovery of James's seal from the bed of the river, Sir John Dalrymple saw a proof that Providence was benignantly disposed towards the new dynasty. "Heaven," he insisted, "seemed by this accident to declare that the laws, the constitution, and the sovereignty of Great Britain were not to depend on the frailty of man.

> Dum domus Æneæ Capitoli immobile saxum
> Accolet, imperiumque pater Romanus habebit.

Bishop Burnet alludes to the occurrence in a scarcely less amusing manner. "A fisherman," says the prelate, "between Lambeth and Vauxhall, was drawing a net pretty close to the channel, and a great weight, not without some difficulty drawn to the shore, which, when taken up, was found to be the Great Seal of England." Whatever difficulty the fisherman may have experienced in drawing his net to shore, the weight of the seal cannot have added much to it.

CHAPTER VIII.

ROBBERY AND FIRE.

ENOUGH has been said of perils by water. The time has come for saying how robbers have attempted, once unsuccessfully, and once with complete success, to obtain possession of the Clavis Regni. During the night of February 7, 1677, Lord Chancellor Nottingham's house in Queen Street, Lincoln's-inn-fields, then and long afterwards a fashionable street for legal dignitaries, was broken into by the famous Thomas Sadler. Possibly an ancestor of another thief (bearing the same surname spelt with a difference of one letter), who a few years since met a tragic and appropriate end on Hampstead Heath, Mr. Thomas Sadler was in Charles II.'s London as daring and renowned a robber as Mr. Richard Turpin, or Mr. John Sheppard, in days nearer our own time. He never lacked money, for when his funds were low he had but to walk in the Mall, or visit a theatre, or gallop to Hounslow, and he returned to his modest home laden with riches. His good fortune was too unvarying. Puffed up with success, and sated with vulgar triumph, he became fanciful in the pursuit of his art, and yearned for the attainment of rare prizes—not on account of their value, but for the sake of the renown which would follow from their seizure. Less greedy of gold than of *éclat*, the gallant fellow resolved to carry off the Great Seal. With this end in view he effected an entrance into the Lord Chancellor's house at about one hour after midnight; but with less luck than merit he was only able to bear away the mace. The burglary was committed whilst Heneage Finch was sleeping soundly in his bed, and the Great Seal was securely hidden under the sleeper's pillow. A more laughable instance of fidelity to official trust it would be difficult to point to in the annals of

the chancellors. Well had King Charles said, "Take it back, my lord, I know not where to bestow it better." After a short lapse of time, Thomas Sadler was apprehended and put upon his trial for this humorous offence against English law. The barbarous custom of the age forbade him the protection of counsel, and twelve jurymen were induced to deliver a verdict which led to his death under painful and ignominious circumstances. Four accomplices in the theft were also convicted, but Sadler alone was hanged.*

More than a century later, Thomas Sadler's magnificent failure inspired a housebreaker with an ambition to accomplish the feat which his forerunner had almost achieved. The attempt was made in the early morning of March 24, 1784, when Lord Thurlow was the Keeper of the King's Conscience, and resided in Great Ormond Street. At the present day this street is seldom visited by people of the high world, and when a great lady orders her coachman to drive to one of its houses, she is bound on an errand of Christian charity to the Hospital for Sick Children, or some other of the charitable institutions into which the decayed mansions of that dingy, pic-

* *Vide* "A Perfect Narrative of the Apprehension, Trial, and Confession on the day before mentioned of the five several persons that were confederates in stealing the mace and the two privy purses from the Lord High Chancellor of England, at the Sessions held at the Justice Hall in the Old Bailey." Taking his account of the trial from the four leaves of this rare quarto tract, Hone says, "On the 8th of March, 1677, there was a trial at the Old Bailey arising out of the following circumstances:—A little girl, the daughter of a woman who let lodgings in Knight Rider Street, went up to a room of one of the lodgers to make the bed, and was agreeably surprised with finding on the floor some silver spangles and odd ends of silver. Her curiosity was awakened—she pryed further, and looking through the keyhole of the door to a locked closet, perceived what she imagined to be a royal crown. She hastened downstairs and cried out:—"Oh, mother, mother! yonder's the king's crown in our closet. Pray, mother, come along with me and see it!" The admiring mother followed her daughter, opened the lock of her lodger's closet with a knife, and discovered the Lord Chancellor's mace, which had been stolen from his house. She had been informed of the loss, and immediately gave information of the discovery. Officers were dispatched, and secured the persons who rented the room—consisting of three men and women: they were examined and committed for trial." In the dock Tom Sadler pleaded guilty, and did his best to shield three of his "pals," and, in the fashion of thieves and highwaymen—when robbery was a romantic vocation—he displayed in court much humour, recklessness, and insolence. Having resolved to "die game," he furnished an abundance of amusement for the jury, and all other persons compassing his destruction.

turesque, and very dilapidated thoroughfare have been converted. But in times gone by few streets were more familiar to people of fashion. In its palmiest days it was part of the northern boundary of the metropolis. The spacious gardens flanking the houses on the northern side ran back into the fields, and ladies could sip their morning chocolate at open windows through which pure country breezes came fresh and musical. At night the street was a scene of noisy and picturesque commotion,—with windows brilliantly illuminated, and carriages drawn by four or even six horses; with beautiful women, rich in brilliant jewels and superb in attire, visible through the glasses of coaches and sedans; with linkmen brandishing torches, men of fashion wearing dainty full-dress swords, and notable for delicate lace, and a surging mob of beggars and pick-pockets bent on cheering the great folk, or enjoying the sight, and on advancing their own pecuniary interests. After dark in that roistering, rollicking time, every house was given up to music, cards, and dancing; but at noon on sunny days, when the street was tranquil, the residents of the northern side might be seen walking in their pleasant gardens, or looking from their postern windows towards Hampstead, Highgate, and Islington, over the green sweep which in those days often heard the cry of wild fowl, but was soon to be covered with the dwellings of Guildford Street and Brunswick Square, and the dismal and seldom traversed regions of Mesopotamia, that lie beyond Mecklenburgh Square and worthy Captain Coram's Home for Foundlings. Long after Great Ormond Street had ceased to be a quarter of highest fashion, it was well esteemed as a thoroughfare in which great noblemen were still to be found, and as the centre of that law quarter—now-a-days called the "old law quarter"—from which our present Chief Baron retired but a few years since, and in which a few members of the bar still reside for the sake of old associations and low rents.

Lord Thurlow lived in Great Ormond Street at a time when judges and sergeants, king's counsel (a "select few" in the last century), and wearers of stuff, constituted the majority of his neighbours in Bedford Row and Queen's Square, and the residential streets lying between those points.

Whilst "The Great Bear" of the lawyers replenished his

cellar and entertained his friends with good port in Great Ormond Street, at the date already mentioned, a thief leapt over the garden-wall, forced two bars from the frame of the kitchen window and crept upstairs to the room in which the Chancellor was wont to keep the Seal. The *Clavis Regni* was found in its accustomed place, and the thief carried it off, snugly enveloped as it was in its two bags, and also laid hands upon two silver-hilted swords, and a trifling sum of money. The robber effected his escape without arousing the Chancellor or any member of the family. Lord Campbell, it should be observed, and the writers from whom he has taken this story, concur in representing the theft as the act of more than one thief, but as all attempts to discover the offender or offenders were in vain, it is unknown whether but one or more than one burglar entered the house. The footprints in the garden seemed to indicate that at least two persons had been concerned in forcing the bars of the window; but it is most probable that only one man entered the dwelling.

As soon as the sun had risen the theft was discovered, and before the "law quarter" had breakfasted it was known to every member of the legal profession resident in London that the Great Seal was no longer in Lord Thurlow's hands. The news ran like wildfire, and by midday the tatlers of the Temple and the quidnuncs of the coffee-houses were repeating a hundred different versions of the story. By some it was gravely asserted that the theft was achieved by the Whigs under the impression that the sudden withdrawal of the seal would so embarrass the ministry that they would be compelled to resign. That this eminently ridiculous suspicion was entertained by political partisans is proved by one of the contributors to the 'Rolliad,' who writes:—

> "The rugged Thurlow, who, with sullen scowl,
> In surly mood, at friend and foe will growl,
> Of proud prerogative the stern support,
> Defends the entrance of great George's court
> 'Gainst factious Whigs, *lest they who stole the seal*
> The sacred diadem itself should steal:
> So have I seen near village butcher's stall
> (If things so great may be compared with small),
> A mastiff guarding on a market-day
> With snarling vigilance his master's tray."

By others it was affirmed that the seal was required for the fabrication of a spurious charter or patent, the consequences of which might not transpire beneath the observation of the present generation. The more probable explanation of the bold felony is that the burglar perpetrated his crime under the erroneous but not unnatural impression that the possession of that particular seal was a matter of the highest importance to the Chancellor and all persons concerned in the government of the country, and that the ministry would consent to pay a vast sum of money, and guarantee impunity to the thief who should restore the bauble.

If this was the thief's expectation he was greatly disappointed. As soon as the Chancellor arose, he called on Mr. Pitt in Downing Street, and the two statesmen forthwith hastened to Buckingham House, where they informed the king that a burglar had made off with his Great Seal, but fortunately had not taken the Royal Conscience with it. A Council was forthwith called, and the following order made:—

"At the Court of St. James's, the 24th of March, 1784, present, the King's most Excellent Majesty in Council: Whereas, in the course of the last night, the house of the Right Honourable the Lord High Chancellor of Great Britain was broke open and the Great Seal of Great Britain stolen from thence; it is this day ordered by His Majesty in Council that his chief engraver of seals do immediately prepare a Great Seal of Great Britain, with the following alterations:—

"That on the side where His Majesty is represented on horseback, the number of the present year 1784 be inserted in figures on the plain surface of the seal behind His Majesty, and the herbage under the horse's hind legs omitted.

"That on the reverse, where His Majesty is sitting in state, the palm branch and the cornucopia be omitted on the sides of the arms at the top; and over the above arms the number of the present year 1784 in figures to be inserted, and at the bottom, also the present year, MDCCLXXXIIII in Roman figures.

"And that he do present the same to His Majesty at this board to-morrow for his royal approbation. And the Right Honourable Lord Sidney, one of His Majesty's principal Secre-

taries of State, is to cause the warrant to be prepared for his royal signature to the said engraver upon this occasion."

This order was performed. By noon of the following day the chief engraver laid before the Council a seal, hastily designed and imperfectly finished, which was forthwith put in use, and remained the. *Clavis Regni* until April 15, 1785, when it gave place to a new seal of proper excellence and workmanship.

The history of this third Great Seal was remarkable beyond the annals of all other Great Seals, both in respect of the men who held it, and the purposes to which it was applied. It was the seal which Wedderburn, the useful defender of Samuel Johnson and the hired calumniator of Benjamin Franklin, seized as the reward of unscrupulous services and as compensation in full for the loss of every honest man's respect. Five-and-thirty years had passed since Alexander Wedderburn bade farewell to the Scotch bar with a characteristic display of indignation—a display for which the clever young advocate had for months, for years, been preparing himself, and which was managed with such dexterity that it completely imposed on his fellow-citizens and most intimate friends, inducing them to think that the fury of the "presumptuous boy" was a genuine outburst of irrepressible wrath, and not a clever trick for arresting the attention of the public, and for creating sympathy in his behalf in the breasts of Scotch attorneys. Five-and-thirty years had passed since he travelled from Edinburgh to London in the marvellously swift coach that accomplished the journey in less than six days; since he took Chambers in the Temple, and under the tuition of Sheridan and Macklin laboured to free himself from his native brogue, and replace Scottish dialect with actor's English; since he courted Johnson even as he had previously courted Hume, and bowing to city attorneys begged them for guinea briefs as soon as he should be qualified to hold them. During those years he had been by turns Wilkeite, Whig, and Tory, dexterously trimming sail, so that he made prosperous running to his desired haven by the most opposite winds. Much of his own dirty work had clean vanished from his recollection; but as the Tory lawyer reflected on his former self the Radical agitator,

and then recalled the principal events, and endeavours, and combinations which had rendered him the malignant enemy of his former friends, even his ingenuity and cunning were unable to satisfy his conscience as to the means and motives by which the change had been brought about. He could not blush for the past; but in his heart he wished that much of it had been otherwise, and he would have given many a thousand pounds of that money which he spent so lavishly on horses and chariots, plate and wine, could he thereby have wiped from the annals of his life certain ugly episodes. But though success was not without its drawbacks, he had many causes for self-gratulation. The town said he was a knave, but applauding him as a clever and *successful* knave, first laughed over the lampoons of the Opposition wits, and then gave three cheers for the luckiest rogue of the time. The clubs spoke their mind about him over magnums of port, but it was universally allowed that whatever might be said and proved against him, my Lord Loughborough was a most eloquent, courteous, and gentlemanlike peer.

On May 28, 1793, after many delusive hopes and disappointments, Alexander Wedderburn had an interview with George III. at Buckingham Palace, and retired from the royal presence with the Great Seal in his hand. It is on record how the peer, exulting in his first possession of the prize for which he had striven so long and sacrificed so much, sprung with light step into his carriage, and ordered his coachman to drive with all speed "home." Alighting at the door of his mansion in Lincoln's Inn Fields, with his own hand he carried the trophy into the presence of his wife, and taking it from its richly-embroidered purse, bade her gaze upon it. Even knaves and dishonest politicians who sell their souls to the devil, value domestic affection, and in the genuine love that brightens their homes find an instructive contrast to the hollow flattery that greets them in the noisy ways of men. Whilst Lady Loughborough stood over the Great Seal, scrutinizing its device and sympathizing with her husband's triumph, Alexander Wedderburn experienced the most delicious moments of his life. But they were of short duration; sadness followed, and joy did not replace it in the morning. The crafty, world-loving Lord High Chancellor recalled the days when he was a

beardless Ruling Elder in the General Assembly of the Church of Scotland; and the discovery burst upon him that if he had been a man of honour, faithful to his word and loyal to his friends, he might with far less labour have raised himself to his envied eminence, and might have inscribed his name on the roll of England's great men, instead of merely seeing it blazoned in the list of her lucky and unprincipled lawyers. On the last day of 1804, the old Earl of Rosslyn dined with George III. at Frogmore, and was observed to be in high spirits. On the following day he was struck by gout in the stomach: on the second day of the new year he was dead. When King George was assured that his friend was no more, he exclaimed, "Then he has not left a greater knave behind him in my dominions!" and in giving utterance to this harsh speech, the monarch spoke what the country felt—spoke, moreover, what the dead earl had long known the world would say of him as soon as the breath was out of his body. He was childless, and his titles, together with his wealth, descended to a nephew, whose descendants are more honourable and more honoured than the founder of their family. But with Alexander Wedderburn's estate and honours shame is so inseparably connected, that his collateral descendants wince at the recollection of his splendid infamy, and would fain attribute to a political foe George III.'s curt and stinging judgment on the courtier who had once been the guardian of his conscience; indeed they deny that the words passed the king's lips. They had better take them to heart, for they preserve a wholesome moral—teaching that though great social success and spotless honour may be united, they are never identical.

This seal was the same Great Seal which has been felicitously called Erskine's extinguisher. For less than fourteen months Thomas Erskine held it; and for that brief period of official triumph, the eloquent advocate and sincere champion of popular interest sacrificed wealth, position, applause,—everything but personal honour. On losing office he was a peer, a wit, a man of fashion; but he had lost the princely income which he for years won in the exercise of his profession, and he could never again hope to be the idol of the populace, and the public actor to whom the educated leaders,

not less than the rabble of his party, looked for protection and rendered enthusiastic homage. When imprudent speculations and foolish extravagance had driven him to pawn his modest pension, and caused him to anticipate the chill penury of his closing years, he remembered with regret the sacrifice he had made to ambition and reflected feelingly on the cruel fortune which deprived him of office before he could provide for the future. In men of less fine nature such reminiscences occasion splenetic outbursts and sarcastic ill-humour; but Erskine smiled at his own disaster, and enjoyed the better luck of less deserving competitors. At a dinner-party Captain Parry was asked what was the principal food of himself and his crew, when they were frozen up in the Polar seas. "We lived chiefly upon seals," was the captain's answer. "And very good living too," interposed Erskine, "if you keep them long enough."

One of the strangest accidents that befell George III.'s third Great Seal occurred at Encombe, in the autumn of 1812. Eldon was then Lord Chancellor, and was residing at his country seat, when part of the house was destroyed by a fire that broke out at night. With admirable expedition the fire-engine was at work, and Lady Eldon's maid-servants were helping to supply it with water. "It was," wrote Lord Eldon, "really a very pretty sight; for all the maids turned out of their beds, and they formed a line from the water to the fire-engine, handing the buckets; they looked very pretty, all in their shifts." But ere the Chancellor found time to survey the maid-servants with approval, he had provided for the safety of the Great Seal, which he was accustomed to keep in his bedchamber. The mishap of his old friend Thurlow had been a lesson to the cautious Eldon; and rather than have run any risk of losing the Great Seal by robbery he would have imitated Heneage Finch, and slept with it under his pillow. At the first alarm of fire, the Chancellor hastened out of doors with the Great Seal, and burying it in a flower-bed confided it to the care of mother earth. That prudent act accomplished, he ran to the aid of his maid-servants.

But when morning came, and the sun looked down on a mansion damaged, not destroyed, by fire, it occurred to

Eldon that it was time for him to recover the seal from its undignified concealment. With that intention, he bustled off to the long terrace where he had buried the treasure; but on arriving there, to his lively chagrin and alarm, he found that he had omitted to mark the exact spot of its interment. Whether the grave had been dug in this bed or in that—whether on the right or the left of the gravel walk—whether above or below the fish-tank—he could not say. In his perplexity he sought counsel of Lady Eldon, and by her advice the same maid-servants who had figured so picturesquely by firelight, together with the entire staff of gardeners, were provided with spades, shovels, trowels, pokers, tongs, curling-irons, old umbrellas, and other suitable implements, and were ordered to probe old mother earth in the region of the long terrace, until she delivered up the "pestiferous metal" which had been committed to her in trust. "You never saw anything so ridiculous," observed his lordship, "as seeing the whole family down that walk probing and digging till we found it." A burden of anxious care must have fallen from the Chancellor's mind when the cry of "Found, my lord!" reached his ears.

It was the fortune of this Great Seal, on two separate occasions, to be abused by the Chancellor holding it in trust; and, strange to say, in each case the abuse was cordially approved by the majority of thoughtful Englishmen. No Chancellor may apply the Great Seal to any instrument until he has received the king's orders to do so; and yet twice during the life of George III., and for the furtherance of arrangements in which the monarch was concerned beyond all other men, the seal was used without his permission, and with a false pretence that his sanction for its employment had been obtained. In 1789, while George III. was a maniac, in the hands of a mad doctor, who placed his royal patient in a strait-waistcoat, and subjected him to a rigorous discipline, Lord Thurlow put the Great Seal to a commission, authorizing certain spiritual and temporal lords to open Parliament with all due formality. And the two Houses resolved to assume that this commission, of which the king knew nothing whatever, was authorized "by the king himself, with the advice of the lords spiritual and temporal and commons assembled, according to the proro-

gation aforesaid." Again, in 1811, Lord Eldon (who at two critical periods had repeatedly assumed the king's capability to govern, when he was in a state of mind that would be more than sufficient grounds for depriving a tradesman of the right to manage his own shop) put the seal under similar circumstances to the mock commission, the commissioners named in which went through the form of declaring the royal assent to the Regency Bill. The commons having appeared at the bar of the Upper House, Lord Eldon said: "My lords and gentlemen, by the commands and by virtue of the powers and authority to us given by the said commission, we do declare and notify His Majesty's royal assent to the Act in the said commission mentioned, and the clerks are required to pass the same in the usual form and words." Thus the royal assent was accorded to the Regency Bill, an act of which the king knew no more than the babe unborn—an act which transferred the regal powers to the monarch's eldest son, leaving the empty title of king to the forlorn old man, who throughout the remaining years of his life was under restraint. In obedience to the Regency Bill thus made law by a mock commission, the government of the country passed from the king, but it was carried on under his name, and his Great Seal was up to the time of his death used without his knowledge, but under the fiction that his assent to the Regency Bill authorized its use.

Of good legal *ana* connected with parliamentary discussions, relative to George III.'s attacks of madness, perhaps the best is that which preserves the pithy criticism on Lord Thurlow uttered by Wilkes. Like his friend John Scott, Thurlow could shed tears and be wondrous pathetic whenever tears could aid his eloquence. After dexterously coquetting between the queen's and the prince's parties in 1788, he delivered in the House of Lords his memorable declaration of gratitude to, and affection for, the afflicted king. Having broken this harangue with several distinct fits of nervous agitation, and at one point having wept copiously, he resumed the clearest melody of his sonorous voice, and concluded with these words:—"A noble viscount has, in an eloquent and energetic manner, expressed his feelings on the present melancholy situation of His Majesty

—feelings rendered more poignant from the noble viscount's having been in the habit of personally receiving marks of indulgence and kindness from his suffering sovereign. My own sorrow, my lords, is aggravated by the same cause. My debt of gratitude is indeed ample for the many favours which have been graciously conferred upon me by His Majesty; *and when I forget my sovereign, may my God forget me!*" As Thurlow sate down the sensation amongst his brother peers was profound; but Liberty Wilkes, who had been an auditor of the speech, was less deeply affected. A vicious light burnt brightly in his squinting eyes, and as a more than usually diabolical sneer played upon his hideous face, the people's friend hissed out—"God forget you! He'll see you —— first."

George III.'s third and last Great Seal—which, to say nothing of commissioners, had been held by Thurlow, Loughborough, Erskine, and Eldon—after the king's death fell to the last-mentioned peer, by whose descendants it is regarded with reasonable pride.

CHAPTER IX.

THE RIVAL SEALS.

IN the pages of this volume allusion has more than once been made to the rival Great Seals, of which this chapter will take especial notice.

On Saturday, May 21, 1642, Lord Keeper Littleton was sitting in his house in the Strand, musing over the troubles of the time, and facing the many difficulties and dangers of his political position. The crisis had arrived when the timid man might no longer vacillate between two conflicting interests. Either he must accept the chances of service under the Parliament, or he must lose no time in hastening to York and regaining the favour of Charles, who had been incensed by the lawyer's vote on the Militia Bill, and had conceived thorough distrust of him.

Edward Littleton, Lord Keeper of the Great Seal, had already resolved to take the latter course. Though anxious to be in any case on the winning side at the end of the struggle, he had always in his heart wished well for the royal party. He had temporized, had played a cautious but scarcely subtle game, had satisfied Edward Hyde as to the soundness of his loyalty, and at the same time had contrived to make the popular leaders think him a philosophical republican. There is no sufficient ground for charging him with systematic falsehood to either party. That he would tell a lie to serve an important end no historian will venture to question; but he was not habitually untruthful. To the king's friends, who had always enjoyed his affectionate confidence, it was his custom to speak the truth; to the parliamentary chiefs he adopted a policy of reticence, enlivened by wary intimations of what he might do under circumstances which he secretly thought would never happen.

But whilst the Lord Keeper was biding his time in London, Charles I., at the head of his forces at York, had become uneasy for the fate of the Great Seal, and on hearing of Littleton's vote upon the Militia Bill, had learnt to think his most exalted lawyer no better than an arrant knave. Explanations in some degree appeased the king; but he had resolved to keep his own seal and also its keeper within the reach of his royal arm, and with every appearance of satisfaction Littleton had responded to an intimation that in a few hours he would receive a formal summons to convey the Great Seal to York. As he sat in Exeter House, Strand, he was awaiting the arrival of the king's messenger.

Ere long Mr. Elliot, a courtier who on that occasion acted the part of a special messenger from the crown, approached the Lord Keeper, and put in his hands a letter written by the king himself. The note required the Lord Keeper to travel with all convenient expedition to York; it also directed him to give the Great Seal into the hands of a gentleman who should show him the letter. So great was his distrust of lawyers, Charles wished the seal to be forthwith confided to a man in whom he had confidence. The courteous words of the royal letter could not conceal the insult; and though Littleton surrendered the seal, as a loyal subject was bound to do, he did not hide his sense of the indignity put upon him. A smart altercation took place between him and Mr. Elliott; and when the swaggering cavalier quitted the deposed Lord Keeper, he cursed him for being a rogue—like all lawyers.

Mounting horse, Elliot made the journey to York with admirable speed. The stories of the expedition with which letters were carried between Charles at York and Hyde in London are almost beyond belief. For this postal service, loyal country gentlemen on the road between the two cities used to keep swift horses at the disposal of royal messengers. Aided by these relays, letter-bearers have been known to gallop from London to York and back again in thirty-four hours. That racing-horses could thus cover the ground traversed by Turpin's "Black Bess" is no matter for surprise; but cold calculation is set at defiance by the pluck and endurance of the gentlemen-couriers who kept in their saddles from sunrise till

the evening of the next day, galloping over wold and moor and broken ground. Of course Elliot had a fresh horse waiting for him at the close of every twenty miles; but praise is his due for making the most of favourable circumstances. Charles was delighted at his sudden reappearance, and listened in gleeful humour to the boastful fabrications with which Elliot adorned the narrative of his journey. Not content with ridiculing the fallen Lord Keeper, the messenger maintained that Littleton "had refused to deliver the seal," and that eventually "he got it by force by having locked the door upon him, and threatened to kill him if he would not give it to him, which, upon such his manhood, he did for pure fear consent unto." Doubtless the courier on his way from London had drained many a foaming tankard of ale, and many a cup of canary. Excitement caused by drink, and by nervous agitation consequent on fierce and prolonged exertion, had crazed the man; and, under the influence of liquor and vain arrogance, he uttered statements which no one save Charles believed, though it was impossible to disprove them.

Since the Earl of Arundel and Lord Paget mounted horse and bore the Great Seal to Queen Mary at Framlingham Castle, the Clavis Regni had not taken such a rapid ride. But notwithstanding Elliot's expedition, Littleton soon appeared at York to give the lie to his assertions. More than fifty years of age, and suffering from a malady that rendered horse-exercise alike painful and dangerous, Littleton threw himself into the saddle, and attended by his faithful purse-bearer, Lee, followed the Great Seal to York, where he arrived at the end of the third day after his departure from London. Charles received him coldly; but eventually, through Hyde's good offices, Littleton was received into favour, and after a period of probationary service (during which he was only permitted to use the seal under strict *surveillance*, and the king was in reality his own Lord Keeper), he was fully reinstated in office. As Lord Keeper of the Great Seal, he presided over the mock High Court of Chancery, established by Charles in the Philosophy Schools at Oxford; and on his death the seal passed into the hands of Lord Keeper Lane, who surrendered it to Fairfax in the summer of 1646.

Thus between May, 1642, and the Oxford capitulation in

1646, the original and true Great Seal of Charles I. was not in the hands of the actual rulers of the country.

As soon as the parliamentary chiefs ascertained the flight of Littleton to York, they issued a warrant for his apprehension, and raised the hue-and-cry. Unable to recover the fugitive keeper and the king's seal, they resolved, after much debate and many conferences of the two Houses, to make a fac-simile of the royal device. Before coming to this resolution, they had by a solemn decree deprived of all virtue the seal which found its way back to Charles. At first no engraver appeared willing to counterfeit the Great Seal; but Marten, the regicide, persuaded Simonds, the medallist, to undertake the perilous task on the direct order of the House, conveyed to him personally. Simonds was therefore introduced by Mr. Marten, and received a warrant bearing the Speaker's signature, and running thus:—"Ordered that Mr. Simonds be required and enjoined forthwith to make a new Great Seal of England, and that he shall have £100 for his pains, £40 in hand, and three-score pounds as soon as he shall have finished the work." Engraved on silver, and in all respects resembling the King's Great Seal, the new *Clavis Regni* was completed and brought to the House on September 28, 1643.

On August 11, 1646, as the reader has already seen, the original seal was destroyed at the bar of the House of Lords.

Thus for a period slightly less than three years there were two rival Great Seals.

This state of things was repeated, when Charles II., an exile in Holland, provided himself with a Great Seal, which he kept in his own hands, until the Battle of Worcester caused him to fly once more to the Continent. This seal, the rival of the Republican Great Seal, was the device which the second Charles is believed to have buried in the river Severn.

In the year 1652 Charles had a new Great Seal engraven in Paris, and entrusted it to Lord Keeper Herbert, the ill-starred gentleman whose devotion to the Stuarts was only equalled by the ingratitude of the titular monarch, in whose service he utterly ruined himself. When Charles quitted Paris in June, 1654, leaving Herbert to die of a broken heart, or of poverty, he took the Great Seal with him; but having no use for it, he

did not entrust it to an official keeper, until he made Edward Hyde his Lord Chancellor, on January 13, 1658, whilst he and his little band of penniless adherents were quarrelling amongst themselves at Bruges.

A volume of romance might be written about the adventures of this seal. The rival of both the republican seals, it saw Charles's brightest as well as his darkest fortunes. It was amongst his possessions at times when he literally could not have paid for the wax requisite for a single sealing: it was borne into the House of Lords and the Court of Chancery by Edward Hyde, when the king came to his own again; and besides witnessing Hyde's downfall and flight, it played an important part in some of the most iniquitous transactions of English history.

Very humorous was the perplexity of the royalists with regard to this seal's second rival, when friendly relations had been brought about between the king and his subjects. In 1660, whilst Charles was still in foreign parts, but was on the point of returning, it was resolved that the king's name should appear in all writs to which it should be necessary to attach the Great Seal. But the only Great Seal at hand, and ready for use at that time of countless emergencies, was the Rump's "Great Seal," bearing for an inscription "The Great Seal of England, 1651, in the third year of freedom, by God's blessing restored." A select committee of the Commons was requested to consider "whether for the carrying on and present expediting of the justice of the kingdom, the House shall think fit that the Great Seal now in the possession of the Earl of Manchester and the other Commissioners be made use of until further order?" The committee reported in the affirmative, and the Commons brought the Lords to join with them in authorizing the use of the bauble. But the hereditary legislators merely replied that "they would return an answer by messengers of their own." The answer, of course, was not given; and though the Lords consented to wink at the use of the republican seal, in order that business connected with the king's reception might be carried out, they to the last abstained from positively sanctioning its employment. There was some real difficulty, connected with the case. Theoreti-

cally the commissioners of the republican seal had become the king's commissioners, discharging the functions of a Lord Keeper of a duplicate seal, whilst the king and his Chancellor were out of the realm; but the Act of Elizabeth, passed at the commencement of Sir Nicholas Bacon's tenure of the seal, seemed to have deprived the crown of the right to a chancellor and a keeper holding office concurrently. Moreover, the custom for reigning kings to use for a while the seals of their immediate predecessors did not put out of sight the inconsistency of employing in behalf of monarchical principles an emblem of republican institutions. Indeed, in the opinion of many persons, that usage only pointed the indignity offered to Charles II. in the proposal that he should, by the hands of his servants, adopt a seal which expressed gratitude to Heaven for the disasters of himself and his family.

In a sketch of the rival seals there is no need to mention the seals of the exiled Stuarts, after their final expulsion from the land which they misgoverned. When James II. had established his mock court at St. Germain, a Parisian artist engraved for him a new seal, which was confided to the care of Sir Edward Herbert, son of the Sir Edward Herbert who, as Charles II.'s Lord Keeper, was the rival and enemy of Hyde. The fate of Lord Keeper Herbert has been sufficiently noticed. It was one of wretchedness; and the fortunes of his son were scarcely at all brighter. The grander title of Lord Chancellor was indeed given him by the banished king; and by pseudo-royal order he put the fictitious seal to a parchment that styled him Baron Portland of Portland, in the county of Dorset. But patent, seal, and king were alike unreal; and the poor gentleman died in poverty, a commoner and an exile, at the close of the seventeenth century.

After James's death in 1701, his queen made an inventory, which mentions that "the Great Seals of England and Ireland in silver, and that of Scotland in brass," were found in the closet of the royal exile. The silver seals were broken; and of the silver, together with the metal of a "chocolate pot," a "mortar and pestle," a "little candlestick," and another domestic utensil, Mr. Groettier made new seals for the Old Pretender, who was known to staunch Jacobites as James III.

CHAPTER X.

PURSES OF STATE.

IT is not known when the custodians of Great Seals first began to keep them in bags; but it is certain that the clothing of Victoria's Great Seal is cut after an ancient pattern. When the seal was wrung from Wriothesley's grasp and laid before Somerset, he exclaimed, "I am at last Lord Protector:" and as the words passed his lips he gazed with delight on the red velvet bag adorned with the royal arms, which formed the outer clothing of the *Clavis Regni*. The Close Roll describing the transaction mentions the sacred emblem as "in quadam baga de corio inclusum et coopt., alia baga de velveto rubro insigniis ornat." This is one of the earliest appearances of the red velvet bag which from the middle of the sixteenth century down to the present time is conspicuous amongst the items of our state millinery. Thus attired, the seal of Philip and Mary was delivered by that queen to Archbishop Heath. When Sir Nicholas Bacon received Elizabeth's new Great Seal, he sealed it in its leathern receptacle, and then put it into a red velvet bag adorned with the royal arms. "Ac illud," says the Close Roll, "in quandam perulam de corio poni et sigillo suo pprio muniri et sigillari fecit, ac sic munitum et sigillatum in quendam sacculum velveti rubri insigniis regiis decoratum posuit illudque penes se retinuit et retinet." And after the sudden death of that wise and gracious counsellor of the virgin queen, his widow—the "gentle saint of heaven," as her son Francis called her—found the Great Seal thus enveloped. On the very day of her lord's death the poor lady, stupefied by her unexpected bereavement, was forced to receive the Lords Burghley and Leicester, whom the queen sent to York House to demand the *Clavis Regni*. Sealed with the dead man's signet,

and hidden in its gaudy sack, the object of the untimely visit was presented to the noblemen; and having thus discharged her duty, the widow made a low courtesy to the queen's ambassadors, and retired to kneel beside a silent bed, or weep over her fatherless children.

On less mournful occasions the red velvet bag reappears; giving colour and brightness to ball-rooms and state pageants. Shortly before death saved him from the shame of official degradation, Hatton was holding in his hand the splendid bag, when at a tilting he saw Elizabeth present a golden chess queen to Charles Blount, the handsome student of the Inner Temple. As the envious Chancellor saw the exulting youngster bind the trophy to his arm with crimson riband, he recalled the happy days when he was the most comely and popular student of the Inns—the happy days when he knew the joys of ambition, and had no heed for the penalties of success. Failing in health, and rapidly falling in the queen's favour, the Chancellor thought of the past; and emotions of envy, shame, and disappointment gave his cheek a colour that matched the hue of his own bag and rival's riband.

The case had altered since he was wont to keep high revel at Stoke Pogis, and could bring around the lady who was his sovereign and his guest a galaxy of wits, beauties, and fine gentlemen, equal in splendour and virtue to the throng of any court in Christendom. In allusion to these entertainments Gray's familiar lines run:—

"Full oft within the spacious walls,
When he had fifty winters o'er him,
My grave Lord Keeper led the brawls,
The seal and maces danc'd before him.

"His bushy beard and shoe-strings green,
His high-crown'd hat and satin doublet,
Moved the stout heart of England's queen,
Though Pope and Spaniard could not trouble it."

Satisfied with the music and ease of Gray's humorous and oft-quoted lines, readers seldom pause to question their accuracy. Even in Pope there are not many cases where more misstatement has been crammed into eight verses. When he had turned fifty poor Hatton's dancing days were over: if he

danced at all, his heart did not keep time with his feet. He died at the age of fifty-one years, and after his instalment as Knight of the Garter his decadence was steady and rapid, although at the sacrifice of self-respect he retained the seals till his death. By the time he was fifty Elizabeth had discarded him as a drawing-room knight, though respect for him as a man of business (a side of his character, by the way, to which none of Hatton's biographers pay proper attention) made her resolve to keep him yet a little longer in her service. Moreover, Hatton was Lord Chancellor, not Lord Keeper. For the wrong done him by this understatement of his rank the poet atones in the following line by giving him any number of maces, whereas the Chancellor's office only gave him one.

After Hatton's death, the Great Seal was found by the queen's messengers, Lord Cobham and Lord Buckhurst, enclosed in a red chest, as well as in a red purse. Having received it "in cista de ferro coloris rubri sub clavi nuper cancellarii reclusa," they conveyed it to the queen at Westminster. It is most probable that the Chancellor, dying of a fatal malady, rather than of that mortification at his loss of the queen's favour, about which biographers have said too much, put his seal upon the chest when he felt his end drawing nigh. Edward III.'s Chancellor, Thorpe, with similar care put his seal, and Chief Justice Knight's device, to the receptacle of the *Clavis Regni*, when he saw that his powers were nigh extinction; and the language of the Close Roll justifies the inference that this precaution was expected of a Chancellor at the point of death.

The dying Egerton yielded his official trust, whilst Death, standing over him, hesitated to touch his palsied form. The old Chancellor's last days were disturbed by a visit from Buckingham and Secretary Winwood, who came to York House for the seal, which was delivered to them in its white leather case, and crimson covering. When Francis Bacon's successor, Lord Keeper Williams, placed the seal in the hands of Sir John Suckling, for transmission to James I., it was locked in a costly cabinet, the key of the box being enclosed in a letter to the king, which was sealed with the episcopal seal of Lincoln.

Amongst the sights which warmed the hearts of cavaliers at

the Restoration was the reappearance of the red velvet purse, emblazoned with the royal arms; and from that time the purse of state has been a principal item in the list of every Chancellor's official possessions. Once it was conspicuous by its absence. When Lord Keeper Guilford died at Wroxton, after weeks of acute suffering and querulousness, the executors bore the seal with fitting expedition to Windsor, where James II. received "the pestiferous lump of metal," which he had already in his mind assigned to Jeffreys, and which was destined to pass into the hands of William III., after a brief period of submersion in the Thames. On that occasion the seal was in the silk purse, but not a purse of state; and James, on asking why it was produced in so mean a bag, was answered that the more splendid sack had not been conveyed from London to Wroxton by the late Lord Keeper. "In a few hours," says Roger North, in his life of his brother Francis, "after his lordship's eyes were closed, and his will known in the family, which appointed his brothers to be his executors, all the officers of the seal then in the house, came in a body to know what the pleasure of the executors was, touching the Great Seal; as if it had been a matter in danger of being overseen. The executors immediately ordered them all to be ready the next morning, to go along with it to Windsor, where the king was; and the state equipage being made ready for the executors themselves, they took the strong box, in which the seal was kept, and that inclosed in a silk bag, which was also sealed with his lordship's seal. Such a sacred thing is that pestiferous lump of metal! The same night the executors arrived, they waited upon the king, who said, 'He heard that his lordship was much mended.' The seal was delivered in the bag (sealed) into the king's own hand, who took the bag, and asked if there was never a purse (of state), and it was answered that none was brought down. The king said no more to them; whereupon the executors retired; and, as had been long before projected, the Great Seal was put into the Lord Jeffreys's hands, with the style of Lord High Chancellor of England. And what effect that transition had upon the state and welfare of England, let the succeeding times speak." The elevation of Jeffreys was less injurious to the country than Roger

North would have us think. At that time England was governed by her king, not by her king's ministers; and if Jeffreys had declined to aid in carrying out the monarch's suicidal schemes, James would have dismissed him, and would, without difficulty, have found a more compliant chancellor. If Francis North had lived and held the seal till the close of 1688, the king's course would have been in no way other than it was. Even his enemies allow that in chancery matters Jeffreys was an honest and useful judge. The biographer, of course, knew that this was the case, and that James II.'s policy was in no way affected by his chancellor; but he could not resist the temptation to cast a parting imputation on the lawyer who in fierce, unmannerly rivalry had triumphed over Lord Guildford, without surpassing, or even equalling, him in servility and baseness.

Roger North had better reason for calling the seal a "pestiferous lump of metal." Its acquisition in no way added to Francis North's happiness, and greatly aggravated the odium which surrounded him during life, and endures to the present day. Combining the prudence of the knave with the caution of a coward, Francis North had more than once endeavoured to escape from the dangers of political service, and expressed his anxiety to purchase security and comparative repose by the sacrifice of his chances of the highest legal post, and also by the sacrifice of money. "Among all the preferments of the law," says Roger North, "his thoughts fixed upon the place of Lord Chief Justice of the Common Pleas; for he knew his own skill in the law so well as to be assured that he was not unfit for it, and chose it the rather because the business was wholly matter of pure law, and had little to do in criminal cases or court intrigues; and he could answer for the rigid integrity of his determinations." His professional income, whilst he was Attorney-General, amounted nearly to seven thousand pounds per annum, "and the cushion of the Common Pleas" brought barely four thousand a-year. But he accepted "the cushion" for the sake of repose and freedom from temptation, which he had not courage to resist. In an evil hour ambition and cupidity broke down his prudent resolves, and he accepted the seals on bad terms, being persuaded to take office with a pen-

sion of 2000*l.* per annum, whereas his predecessor had successfully bargained for 4000*l.* a-year. Giving him the seal, Charles II. said, "Here, my lord, take it; you will find it heavy." And Roger adds, "Therein His Majesty acted the prophet, as well as the king; for, not long before his lordship's last sickness, he told me and divers others of his friends, 'that he had not enjoyed one easy and contented minute since he had the seal.'"

The seal has been a *heavy* burden to kings as well as to chancellors. It was a burden to George III. when he broke down the honest purpose of Charles Yorke with violent and pathetic importunity, inducing the unstable lawyer to commit an act for which he atoned with his life. It was a no less intolerable burden to the same monarch, in the second year of the present century, when, with more of painful excitement than royal courtesy, he placed it in John Scott's hand. "When I went to him," said Lord Eldon, recalling his interview with the troubled sovereign, "he had his coat buttoned thus (one or two buttons fastened at the lower part), and, putting his right hand within, he drew out the seals from the left side, saying, '*I give them to you from my heart.*'" In Lord Colchester's diary, published in the Memoirs of Lord Sidmouth, the following entry relates to this transference of the Great Seal:—"April 15. Mr. Addington told me in the House that the alternative yesterday was, whether the king should only transfer the Great Seal from Lord Loughborough to Lord Eldon, or be requested to do several other things; and the unanimous opinion was that *His Majesty should only do one thing that day.*"

Few chancellors have borne the seals more lightly than Anthony Ashley Cooper, Earl of Shaftesbury,—the wit of whom Charles II. said, "My chancellor knows more law than all my judges, and more divinity than all my bishops;" and the partisan who was placed on the woolsack solely in order that he might violate the law, and who, after he had fulfilled the infamous purpose of his elevation, was extolled by Dryden's venal muse as a miracle of judicial purity. He clutched the seals, well knowing that they would draw upon him the indignation of honest men and the contempt of competent lawyers;

but the reckless politician held cheap the opinions of honest men, and the courtier who was never even called to the bar had neither respect for the learning, nor belief in the integrity of lawyers. He began his judicial career with characteristic cleverness and levity. Knowing that the legal dignitaries were laughing in their sleeves at his advancement, he resolved to render them ridiculous in the eyes of the London mob; and for that purpose he required the judges, in accordance with an old custom revived at the Restoration and discontinued since 1665, to attend him from his residence in the Strand to Westminster Hall, not in their carriages, but on horseback. Never had London witnessed a more ludicrous spectacle than this procession of mounted lawyers, many of whom had not for years been in the saddle, some of whom had never had a riding lesson. Poor Judge Twisden's discomfiture, and the other absurd incidents of that progress, will be fully described in another chapter. For the present it is enough to say that the cavalcade achieved its end in making the gentlemen of the long robe sore at heart—and elsewhere. Shaftesbury, a perfect horseman, won the applause of the crowd, unable to doubt the competence of a Chancellor whose seat was perfect in the saddle; but he fared less to his own satisfaction when he was required to deliver decisions before the dismounted bar. King's counsel, sergeants, and other barristers perplexed him with mischievous questions and unintelligible motions; and day after day they forced him to contradict his own judgments. Roger North assures us that this searching discipline soon taught the Chancellor modesty, and that "from a trade of perpetually making and unmaking his own orders, he fell to be the tamest judge, and, as to all forms and course, resigned to the disposition of the bar, that ever sat on the bench." But though after rough lessons he had the prudence to hold his peace, and interfere as little as possible with matters that were beyond his comprehension, he continued to preside in his court with undiminished good-humour, if not with undiminished effrontery, looking "more like a rakish young nobleman at the university than a Lord High Chancellor," and attired "in an ash-coloured gown, silver-laced, and full-ribboned pantaloons displayed, without any black at all in his garb, unless it were his hat." In justice it must be admitted that he per-

formed the task for which he was appointed. Having violated justice in the Bankers' case, he did his utmost to conciliate public opinion; and after his opening escapades he began and persisted in a course of politic reticence and submission to good advisers, so that Dryden, whose fictions were usually based upon fact, did not rudely shock the prevailing sentiment of unlearned minds when, in "Absalom and Achitophel," he wrote—

> "Yet fame deserv'd no enemy can grudge,
> The statesman we abhor, but praise the judge;
> In Israel's courts ne'er sat an Abethdin
> With more discerning eyes or hands more clean,
> Unbrib'd, unsought, the wretched to redress,
> Swift of despatch, and easy of access.
> Oh! had he been content to serve the Crown
> With virtues only proper to the Gown!"

But the best fun of Shaftesbury's chancellorship did not appear till the very moment when his rivals at court ousted him from the judicial seat which he occupied for nearly thirteen months. It was arranged that his degradation should be consummated on Sunday, November 9, 1673, when in the ordinary discharge of official duty he came to Whitehall to attend on the king at chapel. The triumph of his enemies was no secret to him, and when he saw an unusually dense throng of gallants and beauties assembled in the galleries and on the stairs of the palace, he needed no assurance that they had come to witness his dismissal. For a minute there was a hush of busy tongues, as he passed through the crowd to the king's closet. He was still Lord Chancellor, and showing the respect due to his office the loungers drew aside and made a passage for him with suitable obeisance. But he would in another minute be an *ex*-Chancellor, and as he passed on with firm, light step, bearing the purse of state in his right hand, the courtly mob closed in upon his heels, and exchanged mischievous smiles and curious glances.

Soon the Chancellor was on his knee in the royal closet, kissing the king's hand.

"Sir," he said, "I know you intend to give the seals to the Attorney-General, but I am sure your Majesty never designed to dismiss me with contempt."

"God's fish, my lord," answered Charles, who could be cruel

to his friends when their backs were turned, but found it difficult to be uncivil to his enemies when they looked him in the face, "I will not do it with any circumstance as may look like an affront."

"Then, sir," entreated the earl, "I desire your Majesty will permit me to carry the seals before you to chapel, and will send for them afterwards to my house."

Of course the request was granted.

Till the time arrived for the congregation to enter the chapel, Shaftesbury kept his sovereign merry with good stories, and when the Protestant king passed from his closet to chapel through two rows of courtiers, with amazement they saw him in friendly conversation with the Keeper of his Conscience, and Heneage Finch turned white with apprehension, as his eyes fell on the purse of state, which the foppish chancellor still swung jauntily to and fro as he laughed gaily at one of Charles's jokes.

Here is a subject for a painter.

The circumstances of Lord Erskine's resignation of the seals recalled the fun of Shaftesbury's retirement. Having received notice of dismissal, Erskine, March 25, 1807, took leave of the bar in a speech delivered in Lincoln's Inn Hall, where the Chancellor then held his court. The next day, however, he reappeared—to the surprise of all Chancery practitioners, and much to the chagrin of those who looked for preferment and favour under Lord Eldon. The commotion of the gownsmen was not greater than that of the courtiers and ministers on the preceding day, when they saw Erskine return from his conference with the king, bearing the purse of state in his hand. Their consternation ceased on learning that the monarch had requested Erskine to hold office for a few days longer, until he had disposed of certain causes which he had partly heard. The seal was finally surrendered on April 7, between which date and the preceding March 25, Erskine braved the disapproval of political adversaries, and provided for his son-in-law, Edward Morris, by appointing him to a mastership in Chancery, which Sir William Pepys was prevailed upon to resign. In his address to the bar the retiring Chancellor had said: "If I should be called out of this world as suddenly as I have been out of this place, it will be a happy thing for

me if I can render as clear an account of my conduct throughout life as of my administrations of justice during the period I have presided here. * * * * I have altered nothing here—*I have removed no man.*" When Erskine thus spoke, it was usual with Chancellors on entering office to eject place-holders by the dozen, and appoint personal friends to the places thus rendered vacant. But though Erskine could say, "I have removed no man," he was attacked without mercy for the "job," by which, ere he fell, he provided for his child's husband. He was blamed for thinking that so long as he did the work he was entitled to distribute the patronage of a Chancellor.

In recent times the purses of state have been preserved in legal families, as precious memorials of judicial eminence. Of course, their value is trifling in comparison with damasked seals; since the purses are renewed yearly, and consequently every Chancellor who holds office for twelve months can claim one of the gaudy sacks as a perquisite of his place. Amongst the many pleasantly malicious stories told of Lady Hardwicke's meanness, was a fabrication that she stole *the* purse of state and made it into a counterpane. The good-natured people who accepted this jest for truth, never troubled themselves to inquire if a single purse was so large that it could be converted into a coverlet for a bed. The story had its foundation in the fact that Lady Hardwicke hung a state bedroom and state-bed at Wimpole with crimson velvet, adorning the rich drapery with twenty purses, emblazoned with royal arms. The twenty purses had fallen to her husband during his tenure of the seals, and her ladyship's mode of turning them to use certainly in no way merits ridicule.

CHAPTER XI.

A LADY KEEPER.

THE Great Seal is not often seen in the weak hands of children or women. Infant monarchs have dropped the broad pieces into the eager fingers of newly-appointed keepers, and queens of England have placed the lumps of pestiferous metal upon the open palms of Chancellors; but when a woman beneath the rank of a queen is discovered with the *Clavis Regni* in her grasp, she is in most cases merely surrendering the bauble which fate has forbidden her husband to carry any longer. Thus history exhibits Francis Bacon's mother making delivery of the seal after her husband's death; and in like manner, when Whitelock could no further protract his game of timorous ambition, Lady Whitelock carried to Lenthal the Great Seal, which her husband could not without peril retain for another day. That mother of many children was full of anxious fear when she was ushered into Mr. Speaker's presence, and proffered him the box which contained the republican device. As he took the key from her trembling hand, and looked down upon her pale face, doubtless Mr. Speaker cheered her heart by inquiring with significant kindness for the health of the lawyer who had wisely deputed her to act for him.

One case there is, however, where the Great Seal is found in the hands of a woman appointed to act as custodian of her sovereign's conscience, and to discharge the functions of a Lord Chancellor.

The lady thus originally preferred above the rest of her sex was Eleanor of Provence—the beautiful, lavish, witty, extortionate queen who wrote a poem in her native tongue ere she had completed her fourteenth year; plundered the worthy citizens of London at her quay—styled Queenhithe even to this

day; enraged nobles and churchmen by the favours which she distributed amongst her relations; narrowly escaped death at the hands of the London citizens, who would fain have drowned her for a witch; and, after countless strange experiences, closed her career in the religious quietude of a holy house. Legend and chronicle preserve the memory of her singular grace and lively humour, the brightness of her jewels, and the splendour of her state, her unjust acts and evil fame. Piers of Langtoft sings—

> "Henry, owre Kynge, at Westminster tuke to wyfe
> Th' Earle's daughter of Provence, the fayrest Maye in life.
> Her name Elinore, of gentle nurture;
> Beyond the sea there was no suche creature."

But of all the strange accidents which befell the fair and false mother of Edward I., her elevation to the post of Lady Keeper was perhaps the most laughable. Having occasion to cross the sea and visit Gascony, A.D. 1253, Henry III. made her Keeper of the Seal during his absence; and in that character she in her own person presided in the *Aula Regia*, hearing causes and, it is to be feared, forming her decisions less in accordance with justice than her own private interests. Never did judge set law and equity more fearfully at nought. Not content with the exorbitant sums which she wrung from the merchants whom she compelled to unload their ships at her royal hythe, the Lady Keeper required the City to pay her a large sum—due to her, as she pretended, from arrears of "queen gold;" and when Richard Picard and John de Northampton, sheriffs of London, had the presumption to resist this claim, she very promptly packed them off to the Marshalsea. Having thus disposed of the sheriffs, she, on equally unlawful grounds, subjected the Lord Mayor to like treatment.

But the great event during her tenure of the seals was the birth of her daughter Catherine, on St. Catherine's Day, 1253. The Keeper of the Seals was not actually delivered on the bed of justice; but with only a slight departure from literal truth, the historian may affirm that the little princess was born upon the woolsack.

PART II.—ON MILITARY AFFAIRS.

CHAPTER XII.

LAWYERS IN ARMS.

MODERN society has discovered the advantages of minute subdivision of labour, but in ruder conditions of life services of widely different kinds were required from every man of action. In the more humble ranks of freemen the hands that tilled the soil and busied themselves with the employments of peace, would bend the bow and wield the sword; and in the very highest class of the community conspicuous persons were invested with divers sorts of authority. The lord of a wide domain was the patriarch of a numerous clan, training his people in arms, hanging them for misdeeds, administering laws which he had himself enacted, and in all matters displaying the promptitude and firmness of the despot who discharges the legislative as well as the executive functions of government.

For centuries the majority of our English lawyers were ecclesiastics; and for centuries our mitred judges evinced no reluctance to mount horse and wear mail. Chief Justiciar Odo, a type of these holy and martial lawyers, certainly contributed as much as William to the success of the Norman invasion. It was his voice that, thundering from Norman pulpits, stirred grim barons and impetuous knights to support their feudal chieftain; it was his purse that equipped a fleet for the cause, and armed a company of chosen warriors; and having given words and money, he was no less willing to give his blood. When the French lines covered the Sussex coast, his clear, tremulous, earnest utterances assured them that the God of Hosts was on their side, that those of them who outlived the battle would be victors, and that those who fell would

join the blessed saints. And having thus spoken and celebrated the holy mass, the bishop laid aside his sacred vestments, mounted his white war-horse, and grasping his bâton, rode in the van of that fierce flood of chivalry which swept a nation to the earth, and bore the victor to a throne. The Bayeux tapestry preserves the story of this man of God and war; and history tells how, when the battle had been won, he became his brother's chief justiciar, and spoke cruel judgments from the seat to which he had climbed over the bodies of dead men. Alternately fighting and preaching, he harried rebellious districts with fire and sword, and scattered words of ban and blessing over hard-fought fields. "In seculari ejus functione," says the historian, "non solum rem exercuit judiciariam; sed bellis utique assuefactus exercitum Randulphi Comitis Estangliæ, suorumque confæderatorum, profligavit; et in ultione necis Walteri Dunelmensis Episcopi, Northumbriam latè populatus est."

Like Odo, the Conqueror's Chancellor, Osmond was a soldier and a bishop. Like Francis North and George Jeffreys, he was also a musician; and as the author of the "Life and Miracles of Alden, a Saxon Saint, the First Bishop of Sherborne," he won a name in letters.

Ralph de Hengham (Chief Justice of the King's Bench under Edward I., and Chief Justice of the Common Pleas under Edward II.) is generally regarded as the first of our non-military common law judges; but it would be difficult to prove that the author of the quaint old law-book, "Randulphi de Hengham Edward Regis I Capitalis Olim Justitiarii *Summæ*," never spurred horse against a foe. Lord Campbell says, roundly, "He may truly be considered the father of the common law judges. He was the first of them who never put on a coat of mail: and he has had a long line of illustrious successors contented with the ermined robe." It, is however, scarcely credible that this chief justice of a migratory court in the thirteenth century never wore mail. When it is borne in mind that even within the memory of living men lawyers riding circuit deemed it prudent to carry firearms for their personal security, it is not to be imagined that De Hengham never donned such steel clothing as was worn by all gentlemen of his time.

He may, however, be ranked with non-military lawyers; and army men may be allowed to tell with glee how the first non-

militant Chief Justice became a famous rogue. On his return from France in 1289, after an absence of three years, Edward I. was received with complaints against the corruption and venality of his judges. An investigation followed, which resulted in the punishment of De Hengham and other offenders. The Chief Justice was dismissed from office, and fined seven thousand marks; but there are grounds for the opinion that at the worst he was merely guilty of certain trivial irregularities, and that the appearance of corruption was altogether due to the objectionable system of payment by fees, which more than four centuries later enabled a clique of unscrupulous politicians to trump up unsubstantial charges of judicial perfidy against Francis Bacon. De Hengham's appointment as Chief Justice of the Common Pleas, under Edward II., at least justifies the belief that in the preceding reign he was guilty of no misconduct greatly at variance with the morality of his age. Possibly his epitaph in St. Paul's was not more adulatory than epitaphs were wont to be:

> "Per versus hos, Anglorū qd. jacet hîc flos:
> Legum qui tuta dictavit vera statuta,
> Ex Hengha dict. Randulph 'vir benedict.'"

In the time of Richard III. it was believed that Hengham's offence was an irregular alteration of a fine set upon a very poor man. The fine was for 13*s.* 4*d.*, and Hengham, out of motives of compassion, altered it to 6*s.* 8*d.*, for which offence he was fined 800 marks. After noticing this tradition, Blackstone adds, "There is an appendix to this tradition, remembered by Justice Southcote in the reign of Queen Elizabeth (3 Inst. 72; 4 Inst. 255), that with this fine of Chief Justice Hengham a clock-house was built at Westminster and finished with a clock, to be heard into Westminster Hall. Upon which story I shall only remark that (whatever early instances may be found of private exertion of mechanical genius in constructing horological machines) clocks came not into common use till one hundred years afterwards, about the end of the fourteenth century." Perhaps the tradition contained more truth than Blackstone supposed. In 1292, just after the exposure and punishment of Edward I.'s nefarious judges, a great clock, at the cost of £30, was placed in Canterbury Cathedral; and about thirty-five years later, Richard, Abbot of St. Alban's,

made a clock. It is true that Westminster had not a striking clock, until 1368; but the interest excited amongst lawyers and other intelligent persons by the construction of the Canterbury clock may have given rise to a request that the money paid by the mulcted judges should be spent on a clock for Westminster, may even have led to an order that the money should be so expended.

Long after the ancient military functions of the Grand Justiciar had ceased to exist, chief justices, during occasions of especial emergency, exercised military as well as civil powers. When the Percies rose in rebellion, Henry IV. empowered Chief Justice Gascoigne to raise forces for the subjugation of the insurgents; and in the subsequent rising of Scrope, Archbishop of York, and Thomas Mowbray, Gascoigne was sent to aid in subduing the malcontents.

A later instance of this union of civil and military power in the person of a chief justice, occurred in 1685, when Jeffreys set out for the Western Circuit, on his "campaign," "armed not only with a commission of Oyer and Terminer, but also an authority to *command the forces in chief*"* in the disaffected counties. Thus appointed to destroy on the battle-field, as well as the judgment-seat, Jeffreys was styled the "General of the West."

A more humorous instance of a lawyer in arms was Sir Edward Coke in the summer of 1617, when he donned a breastplate, and equipped for battle rode at the head of an armed company, from London to Oatlands, where Lady Hatton had secreted the lovely girl of whom she was the vexatious mother, and he the indignant father. The story of this strangely scandalous *fracas* has been told by writers of different views and tempers; but those who most disapprove Coke's violence, and those who are most inclined to see in Lady Hatton's conduct a culpable case of conjugal disobedience, are alike compelled to stay their indignation and give way to merriment as they imagine Coke's bellicose aspect, and recall the many droll circumstances that attended the storming of Lady Hatton's retreat. The outer gate was carried by the invaders without

* Roger North's expression, "to *command* the forces *in chief*," is worthy of notice, being used at a time long prior to the title "commander-in-chief."—*Vide* "Life of Lord Keeper Guildford."

difficulty; but the doughty lawyer struck many a good blow, and smashed more than one strong door, ere he had passed all the barricades in his way, and forced a passage to the inner room, where he discovered his rebellious wife and the child of whom Jonson sung—

> "Though your either cheek discloses
> Mingled baths of milk and roses;
> Though your lips be banks of blisses,
> Where he plants and gathers kisses;
> And yourself the reason why
> Wisest men of love may die!"

Seizing this lovely girl, Sir Edward carried her from the house in his arms, placed her on horseback behind her brother, and then uttering the word "Forward!" started for his seat at Stoke Pogis, whither he bore his prize in triumph.

Before the close of the seventeenth century, the law had formed a closer alliance with arms. At the outbreak of the civil war gentlemen of the long robe were found in each of the contending parties. Herbert and Hyde drew sword for the King; Whitelock and St. John served under the Parliament. That the lawyers were more ready to draw sword against Charles than for him is a fact which may be regarded as an indication of the legal view taken of the royal policy by those who were best qualified to answer questions of constitutional law; or it may be received as a testimony that prudent seekers after advancement were unwilling to devote fortune and talents to a cause which could not repay them. Anyhow it is notable how greatly the fighting lawyers of the Parliament outnumbered those of the King's party.

The Inns of Court, however, contained a strong body of barristers and students, who cherished monarchical principles, and were anxious to prove their loyalty in the field. When Lord Keeper Littleton fixed his judgment-seat in the schools at Oxford, his court had little business but a numerous bar. To relieve his profession from the obloquy of repose, at a time when men of all ranks were flying to arms, the Lord Keeper proposed that the lawyers of Oxford, during the dearth of briefs, should form themselves into a corps, and serve the king as volunteers. The suggestion was acceptable;

and Littleton, by no means deficient in personal bravery, notwithstanding his moral cowardice, reported the matter to Charles, who forthwith authorized him to raise a corps of fighting lawyers. The following docket of the king's commission is extant :—"A commission granted to Edward Lord Littleton, Lo. Keeper of the Greate Seale, to raise a regiment of foot souldiers, consisting of gent. of the Inns of Court and Chauncy, and of all ministers and officers belonging to the Court of Chuancy, and their servants, and of gent. and others who will voluntarily put themselves under his command to serve his Ma^tie for the security of the Universitie and Cittie of Oxford. T^r apud Oxon. xxi. die Maij A° R. R. Caroli xxi.

"per ipsm Regem."

During the short interval between the date of his commission and his death, Littleton zealously drilled his recruits, who were for the greater part drawn from the colleges. Indeed the force was less a corps of lawyers than a regiment of university men, and ought to be compared with the present Oxford University Rifle Corps rather than with the existing "Devil's Own."

A comely gentleman and good swordsman, Sir Edward Littleton was no unsuitable chieftain for the corps, but in the August following its enrolment he was caught by a violent storm whilst drilling his men in Bagley Wood, and a severe cold, consequent on exposure to rain, brought about his unanticipated death in 1645.

One of the first lawyers to join the parliamentary forces was Bulstrode Whitelock, still a young man when Charles unfurled his standard at Nottingham. Followed by the tenants of his estate and a few personal friends, Whitelock accepted a captaincy in Hampden's regiment of horse, and took part in the military occupation of Oxford, where the parliamentary soldiers met with a cold reception from the gownsmen, who subsequently welcomed the royalist army with acclamations. To teach the lawyer that civil war was far from being a pleasant pastime, Prince Rupert and his men took possession of Fawley Court, Whitelock's house, near Henley, and according to the owner's *ex-parte* but most credible account, "indulging in excess and rapine of every kind, destroyed his books, deeds, and manu-

scripts, cut open his bedding, carried away his coach and four horses and all his saddle-horses, killed his hounds, of which he had a very fine pack, and destroyed all his deer and winged game." The memory of this desolation of his home long rankled in Whitelock's breast, and more than once during the period betwixt the commencement of the civil war and the restoration of the Stuart dynasty, he was the subject of affronts that brought vividly to his mind the perils he encountered and the losses he endured whilst bearing a commission in Hampden's cavalry.

Cromwell's officers were inclined to think that the country should be governed by pious soldiers; and notwithstanding the number and influence of the lawyers who had served the republic in camp as well as at Westminster, the more zealous puritans entertained strong prejudices against the legal profession, and were almost unanimous in holding that non-military wearers of the long-robe should be excluded from the House of Commons. Some of Whitelock's most amusing reminiscences turn upon the antagonism of the men of God to the "sons of Zeruiah," by which title lawyers were then commonly known. In the autumn of 1649 a republican soldier, who in one respect closely resembled Cardinal Beaufort, warmly urged upon the Commons that they should exclude all lawyers from Parliament, and that if they could not find heart to take so decided a course, they ought at least to resolve that whilst lawyers sate in Parliament they should relinquish practice. Whitelock's reply was strong with reason and sarcasm. From the days of the Parliamentum Indoctum, which lawyers were forbidden to enter, till the days of his own connexion with Sir Edward Coke, Whitelock set forth the services which his profession had rendered to the legislation of the country, and pointed out the blunders into which Parliaments had fallen when they presumed to act without the guidance, or in opposition to the advice, of legal authorities. "As to the sarcasms," he continued, "on lawyers for not fighting, I deem that the gown does neither abate a man's courage or his wisdom, nor render him less capable of using a sword when the laws are silent. Witness the great services performed by Lieutenant-General Jones and Commissary Ireton, and many other lawyers, who putting off

their gowns when the parliament required it, have served stoutly and successfully as soldiers, and have undergone almost as much and as great hardships and dangers as the honourable gentleman who so much undervalued them. With respect to the proposal for compelling lawyers to suspend their practice while they sit in parliament, I only insist that in the act for that purpose it be provided that merchants forbear from their trading, physicians from visiting their patients, and country gentlemen from selling their corn or wool while they are members of that house."

The motion was of course withdrawn, and the maker well laughed at; but the feeling of the House is shown far less by the withdrawal of the proposal than by the fact that Whitelock felt it necessary to reply with grave and elaborate argument. The same prejudice was continually reappearing. Some four years later the Barebones Parliament showed their low opinion of the sons of Zeruiah, by proposing to abolish Chancery on the expiration of a month after their decision. By resolution the Parliament actually suspended Chancery for a month; and when the bill for the total abolition of the court came to a division, it was thrown out by the Speaker's casting vote.

The same animosity against an honourable profession burst forth at a meeting of the Council of Safety in the autumn of 1659, when a republican officer exclaimed with indecorous warmth, "It is not well that at such a time as this so great a charge as the Great Seal should be entrusted to a lawyer. More seemly were it that an office of such power and profit should be given to those who have encountered the wars and adventured their lives for the service of the commonwealth than to such as skulk from dangers and covet fees." Promptly, and with proper spirit, Lord Keeper Whitelock answered, "The gentleman who so much disparages lawyers would do well to call in mind the services performed by Ireton, Jones, Reynolds, and others of the profession during the war. As for myself I have been exposed to such perils in the service of the state, particularly in my embassy to Sweden, as would have appalled this much-speaking colonel. I desire, therefore, that such reproachful language may be forborne."

Although the royalists were less hostile to the legal profession they resembled the puritans in thinking that soldiers were

qualified to fill judicial offices. Whilst Charles II. was making terms for his restoration, Sir John Grenville was said to have offered Monk 100,000*l.* per annum for ever, the office of Constable of England, the right of nominating to divers high offices under the crown, and the custody of the Great Seal. It is doubtful whether this offer was actually made, but the arrangement would at the time of the rumour have created no dissatisfaction amongst the king's friends, with the exception of Hyde and his personal adherents.

Had Monk presided in the Court of Chancery he would most probably have acquitted himself as well as Williams or Shaftesbury, and at the present date would endure comparison with any West Indian governor who has been required alternately to sit in a court of justice, and to command the troops of his island.

The story goes that a general officer of the army, on being appointed governor of a West Indian island, addressed Lord Mansfield in a voice of great concern, "What am I to do, my lord? The governor is commander-in-chief of the troops, and must he preside in the Local Court of Chancery? I can command soldiers, but I know nothing of law." "Tut, man, decide promptly, but never give any reasons for your decisions. Your decisions may be right, but your reasons are sure to be wrong." Acting on this rule, the military Chancellor pushed on well enough; but in an evil hour, forgetting the precept, he gave his first good decision, and it was immediately appealed against. Recounting the story to his grandson, Lord Mansfield said, "I was two or three years afterwards sitting at the Cockpit on Plantation Appeals, when there was one called from my friend and pupil the general, which the losing party had been induced to bring on account of the ludicrously absurd reasons given for the judgment, which, indeed, were so absurd that he incurred some suspicion of corruption, and there was a clamour for his recall. Upon examining it, I found that the judgment itself was perfectly sound and correct. Regretting that my advice had been forgotten, I was told that the general acquiring reputation by following it, began to suppose himself a great lawyer, and that this case brought before us was the first in which he had given his reasons, and was the first appealed against."

CHAPTER XIII.

THE SEVENTEENTH CENTURY.

JOHN SOMERS, the father of Lord Chancellor Somers, deserves mention amongst lawyers of military prowess and renown. A wealthy man and a person of considerable local influence, he was in a position to aid the party that possessed his respect and good wishes. As the most successful attorney in Worcestershire, and proprietor of a landed estate that had descended to him from his ancestors, he ranked above the crowd of provincial lawyers. He was also a gentleman of fair descent. Though writers in political journals were accustomed to vilify Lord Somers for having "sprung from the dregs of the people," the Chancellor's family had for generations held place amongst the chief gentry of their county. Queen Elizabeth honoured them by sleeping at "The Whiteladies"—a house close to Worcester, and standing upon an estate granted to them at the Reformation; and a noble self-dependence had long characterized the bearers of their name and blood. The "*Somer* Islands" were discovered by an admiral of the Somers family, who is memorable for maritime exploits and a courageous reply to King James. "I wish that as I am the first," said this persecuted admiral, "so I may be the last of sacrifices in your times. When from private appetite it is resolved that a creature shall be sacrificed, it is easy to pick up sticks enough from any thicket whither it hath strayed to make a fire to offer it with."

In the civil contest, Worcester and the best part of Worcestershire sided with the crown; but John Somers, attorney-at-law and esquire, of "The Whiteladies," Worcester, and of Stoke-Severn, raised a troop of horse for the Parliament, and as captain of the said troop, was one of Cromwell's army. For

a while he was quartered at Upton, near his estate at Stoke-Severn, much to the annoyance of the loyal clergy and proprietors of the district. Not content with arming in behalf of the rebels, he used to walk and ride about the neighbourhood in his martial dress, and every Sunday he had the audacity to wear his uniform in Stoke-Severn church during divine service. The rector was an ardent Royalist; and in a series of sermons on Divine Right and Non-Resistance, he inveighed against those who dared to rebel against their anointed rulers. The parishioners, during the delivery of these tirades against their squire, alternately watched the preacher and the offender, enjoying the parson's violence, and wondering how long Captain Somers would patiently endure the abuse. As a lawyer, John Somers was reluctant to use violence; and he sent a friendly message to the clergyman, requesting him to adopt a less irritating tone in the pulpit. The message only rendered the rector more furious in his denunciation of rebellion. Again and again Captain Somers renewed his entreaties that he should not be thus insulted in his own parish church. Each succeeding Sunday found the preacher more angry and abusive. There was need for bolder action, and at length the volunteer trooper hit on a novel method of silencing a clerical orator. Selecting a moment when "the enemy" was in full action, he drew a pistol from his pocket, aimed deliberately at the foe, and then, raising his hand as he pulled the trigger, sent a bullet into the sounding-board over the parson's head. The commotion that ensued was not less comical than lively. The younger women screamed and went off in hysterics; the men sprung to their feet, and on finding that no harm was done, burst into laughter. A buzz, a clattering of feet on the pavement—and the congregation left the church without a benediction. Captain Somers walked quietly to his house, after explaining to his adversary that every repetition of his insolence would produce a similar interruption, and that on each ensuing occasion for pistol practice the ball would strike a lower point. With perfect coolness the warlike attorney intimated his readiness in course of time to send a lump of lead into his opponent's head, instead of the sounding-board above it. Finding that he could not keep all the argument to him-

self, the worthy rector henceforth avoided political topics whenever the captain formed part of his congregation. After the restoration, John Somers obtained a special pardon under the Great Seal, for any excesses of which he had been guilty in "the late troubles," by which gentle term the second Charles's subjects were wont to allude to the civil war and the period of their sovereign's exile. Lord Campbell observes, "He is not supposed to have committed any offence requiring a special pardon beyond firing over the head of the parson at Stoke-Severn, while in the pulpit; but, being a lawyer, he perhaps remembered the observation of Sir Edward Coke, 'That good men will never refuse God and the king's pardon, because every man doth often offend both of them.'" It is easy to imagine that the gentleman who could carry his purpose in so eccentric a manner had more need of a special pardon than Lord Campbell supposed.

Though Oliver St. John and Hyde can scarcely be named amongst the fighting lawyers of the seventeenth century, they rendered to their respective parties services that entitle them to military honours. Before he determined to confine his exertions for the "good cause" to unwarlike fields, St. John busied himself as a recruiting-sergeant and drill-master. On the other hand, Hyde's devotion to his royal masters familiarized him with the perils and excitements of a soldier's existence.

After withdrawing from the University of Oxford, where he was an undergraduate of Oriel until he migrated to Pembroke, William Scroggs commanded a troop of horse, and fought bravely for the Martyr King. On the termination of the civil war he became a student of Gray's Inn, and at the Restoration he was ready to serve the Stuarts in his gown as fearlessly as in past times he had served them in a cuirass. Witty as Shaftesbury, comely as Jeffreys, and dissolute as Rochester, he rose to be that odious Chief Justice Scroggs whose name, uttered after his death by angry nurses, has roused the terror of generations of English children.

Another great lawyer of the same century, whose breast at one time burned with martial ardour, was Chief Justice Hale, who in his wild and dissipated youth conceived a desire

to fight under the Prince of Orange in the Low Countries. To the first expostulations of those prudent friends who eventually dissuaded him from carrying out this scheme, he sung—

"Tell not us of issue male,
Of simple fee and special tale,
Of feoffments, judgments, bills of sale,
And leases:

"Can you discourse of hand-grenadoes,
Of sally-ports and ambuscadoes,
Of counterscarps and palisadoes,
And trenches?"

Had young Hale resisted his affectionate advisers to the last, and taken service under the prince, it is probable that Amy Duny and Rose Cullender would not have been executed for witchcraft at Bury St. Edmunds in 1665.

As the lawyers displayed a dangerous sympathy with republican—or rather, constitutional—sentiments under Charles I., it is no matter for wonder that they continued to manifest the same sympathy under Cromwell, when fees and preferment rewarded the supporters of popular government. At the Restoration Charles II. found his most eminent lawyers by no means in a mood to echo the opinions of the Church with regard to the kingly office. For a time, indeed, there was a dearth of pliant perverters of justice on the bench and in the inns, until the successes of Heneage Finch and Francis North to a certain extent demoralized the bar. Speaking of his brother Francis, who would have been a perfect lawyer for a despot if he had possessed the courage of Jeffreys, Roger North says, in the *Examen:* "His inclinations were always, to loyalty, and his constancy and steadiness to his principles declared that his judgment was accordingly; though, accidentally, it proved to be his interest also in the way of preferment, however the outside of affairs, or popularity, seemed to invite another way, and so few gentlemen of the law were noted for loyalty (I use the word of that time) that it was made a wonder at court that a young lawyer should be so. The reason was because, at the time of the Restoration, the profession, *that commonly follows encouragements,* was not well furnished with cavaliers; and the chief practice fell into the hands of those who before had the

vogue; although some of them, by virtue of the Act of Indemnity, escaped practising at the crown bar, as defendants for themselves. This made it a fashion, for those that rose up under them, to be against the court; for they would allow none else to be good lawyers; which was a prejudice that only great abilities, with some favour, could rise up against. But as for Mr. North, as he began, so he continued, through very great opposition, in all the course of his life, which concluded in the *culmen* of his honour, a felicity that happens to few."

The acrimony and dishonesty of this passage was characteristic of the writer. Characteristic of him also is the effrontery with which he attributes the sordid selfishness that marked himself and his brother, to all the members of the honourable profession, "which" he slanders "as commonly following encouragements." The adulatory brother commends Francis for early loyalty, as well as for steadfast adherence to his principles. It should be borne in mind that Francis was not called to the bar till the Restoration had been an accomplished fact for more than twelve months. There certainly exists no conclusive evidence as to his political temper during his student days; but Roger records a fact which proves that the future chancellor could in early life be tolerant and respectful to republicans.

When Francis left Cambridge and became a student of the Middle Temple, Chaloner Chute was the treasurer of that society. Chute was a staunch supporter of Cromwell, and he even acted as Speaker of the Commons during the commonwealth—or, as Roger North expresses it, he officiated as Speaker to the pseudo-House of Commons. He was moreover so successful in chancery practice that "if he had a fancy not to have the fatigue of business, but to pass his time in pleasure after his own humour, he would say to the clerk, 'Tell the people I will not practise this term,' and was as good as his word; and then no one dare come near him with business. But when his clerks signified he would take business, he was in the same advanced post at the bar, fully redintegrated as before, and his practice nothing shrunk by the discontinuance." Chaloner Chute had married Lady Dacres, the aunt of Francis North. Thus the treasurer and the young man were closely connected;

but in a time unprecedented for political rancour and enmity, members of the same family were often the deadliest foes, when they honestly and enthusiastically supported opposite parties. Every bookish child can point to instances, where in the civil struggles brothers embraced different principles, and fought against each other from purely prudential considerations—in order that, whichever side should win, the adherent of the vanquished cause should have a friend at court. Of course, in these cases, affection was not weakened by political difference; but then the difference was merely an assumption, and on neither side was there much earnestness. Family feuds about money are hot enough; but family quarrels on questions of politics are absolutely ferocious. Had young Francis in his youth been romantically attached to his exiled king, he would have submitted to almost any privation before he would have crossed Chaloner Chute's threshold.

Francis not only accompanied his father (Sir Dudley, who on the death of his father became Lord North) to the treasurer's chambers, but gratefully accepted a present of money from the man whose principles he is supposed to have abhorred. "When Sir Dudley North," observes Lord Guildford's biographer, "his lordship's father, carried him to his brother-in-law, then Treasurer of the Temple, to be admitted, he treated hard with him about the fees of admission, which is in the treasurer's power to tax, and he may use any one well if he pleaseth. Mr. Treasurer asked Sir Dudley what he was willing to give, and (the common fine being five pounds) he answered, three pounds ten shillings. 'Well,' said the treasurer, 'lay down the money.' Which being done, he called for the young man's hat, and swept it all in and gave it to him; and marking the admission nil, or nothing, 'let this,' he said, 'be a beginning of your getting money here.'" An insight into the temper and manners of the age is given by this haggling for thirty shillings between the Treasurer of the Middle Temple, and a knight who was heir to a peerage and a comfortable estate, and who—notwithstanding his numerous family—could not be termed an indigent man. The scene also illustrates that love of money which characterized the Norths in the seventeenth century—and in later times.

Had Cromwell lived to see his eightieth year, or had the

Cromwellian dynasty in the person of Richard made a secure place for itself amongst hereditary governments, the young lawyer would have troubled himself little about the rights of the exiled Stuarts. He would have continued to pay assiduous court to successful practitioners of Chaloner Chute's school, and he would have been a complacent Cromwellian. But when he was called to the outer bar, the king had come to his own; and Francis determined on a career of loyalty. It is noticeable that he could have been called somewhat earlier, *ex gratiâ;* but he had no anxiety to put on his gown until he was satisfied how parties would run. Having decided on his course he maintained it. By devilling for the Attorney-General, Sir Geoffrey Palmer, he obtained familiarity with crown business, and was selected to argue at the bar of the House of Lords against the reversal of the judgment of the King's Bench in the memorable case of "The King *v.* Sir John Elliot, Denzil Hollis, and others." The brief which he accepted had been declined by the king's sergeants; but the man who meant to be a crown lawyer did not hesitate to do the work which the sergeants disdained. The judgment was reversed; but the gownsman had his reward. The job covered his hands with dirt and his back with silk. At thirty-one years of age he was made king's counsel, and forced upon the bench of the Middle Temple. At thirty-four years of age he was Solicitor General; at thirty-seven, he was Attorney General; a year later he was Chief Justice of the Common Pleas; and before he had completed his forty-sixth year he was Lord Chancellor. "The very great opposition," of which Roger speaks, was strangely ineffectual. In truth, the lucky lawyer encountered little opposition, though much obloquy, in his rapid rise to infamous greatness.

Notwithstanding all that has been said about the scarcity of royalist lawyers during the civil war and the commonwealth, it may not be supposed that under Oliver's ascendancy there were no barristers, eminent in their profession and at the same time devoted to the House of Stuart. The Inns of Court contained many gentlemen who were used to nibble the toast floating at the top of the ale-cup or wine-cup, in order that they might have an excuse for muttering, as they drank, "God send

this *crumb well* down." The attorneys who conducted the affairs of the cavalier gentry used to testify their loyalty in various quaint and pleasant ways. In the parchments of these old Caroline practitioners the antiquary sometimes comes upon a sign of their romantic attachment to the banished house. During the protectorate, they were compelled to engross Cromwell's hated Christian name; but the most loyal of them forbore to write Oliver with a capital O. Of the royalist bar Sir Geoffrey Palmer,* on whose skirts Francis North fixed his tenacious grasp, may be regarded as a type.

The servile Address of the Barristers and Students of Lincoln's Inn has been too hastily accepted by many writers as proof that the legal profession in their conduct to the two last of our Stuart kings altogether sacrificed that reputation

* In the *Examen*, Roger North says of this worthy gentleman:—"After the happy restoration of King Charles II., Sir Geoffrey Palmer was the first Attorney General, and held the place to the time of his death. He was a man of great ability in the law, and in that profession is what a lawyer should be—that is, master of, and not superior to, so as to despise the learning of his own profession. But yet his wisdom and generosity were incomparable. During all the troubles of the times, he lived quiet in the Temple, a professed and known cavalier; and no temptation of fear or profit ever shook his principle. He lived then in great business of conveyancing, and had no clerks but such as were strict cavaliers. One, I have heard, was so rigid that he could never be brought to write Oliver with a great O. And it was said that the attorney chose to purchase the manor of Charleton, because his master's name sounded in the style of it. Such amusements may be allowed to please and divert a zealous old gentleman, that lived to see and enjoy the fruits of all his honest ambition. When he was made Attorney General, he had means, by the universal renewal of grants and the floating of all manner of concerns of the crown, which, settling, must pass by him, to have amassed vast wealth, as others have done and do. But he was mindful of his old friends the cavaliers, and generally gave them their fees; not only to such as he knew poor, for a sort of charity, but to others that had less need, out of generosity and as a mark of his friendship and recognition of their merits. It was affirmed that the patents granted to General Monk, passing his office, came to near 2500*l.* in fees, and for honour and gratitude he took not a penny for himself. Such instances are rare, and no wonder, for in our day the like would fail of due applause, and be despised as a foolish weakness. It was observed that all those persons that were in his conversation or acquaintance, as well as employment, were not only loyal, but in all other respects very worthy men, and such as adhered to him in the last hour of his life, and after he was gone, kept their integrity and resolution to the end of their own; for very few, if any, of them are yet living. He was a great lover of his profession, and took a pleasure to encourage young students, and admitted divers of them, in his society of the Middle Temple, to have access to him at evenings, and to converse familiarly with him; and he was not only affable but condescended to put cases, as they term it, with them."

for independence and courage which they have maintained at periods of great trial. It has been observed with an appearance of justice that, "during the reign of Charles II. the barristers became as much attached to the crown as they had formerly been to the commonwealth." This is unfair. Amongst the needy and ambitious members of the Inns of Court the royal brothers found obedient slaves; and in societies in a great degree composed of young men of fashion, with connexions at court, there was of course a strong body of barristers always ready to extol the crown, and entertain the members of the royal house with costly revels. The same was the case under Charles I. But the conduct of the young cavaliers and idlers of the inns must not make us unjust to the more staid and learned practitioners of the law. During the twenty years preceding and the five-and-twenty years following the commonwealth, the Inns of Court resounded with professions of loyalty; but in those same schools were reared the men who brought Charles I. to the scaffold, and also the men who drove his son from the country. Such men as Jeffreys, Scroggs, and North were loathed by the advocates over whom they presided; and though the crown from 1660 to 1688 unquestionably exercised a pernicious influence on the tone and morality of the bar, it was powerless to corrupt the more noble and thoughtful of the profession. Men educated to explain the laws of the land were ready to recognise the rights of the crown; but it was impossible for such men, living under the Stuarts, not to feel acutely the wrongs of the subject. Old Maynard's ready reply to William of Orange was more than a compliment; it spoke the conviction of the legal mind. And the Act of Settlement, which placed the judges above the caprice of the crown, is a memorial of the precautions taken by our lawyers against a repetition of evils which, according to some writers, met their approval.*

* Independence of Judges.—It is a popular error that the sovereign had power to remove judges according to his pleasure, until the reign of George III. By the Act of Settlement, it was fixed that they should hold their appointments "quamdiù se bene gesserint." Practically, judges had thus held their appointments in olden time; for until the Stuarts displaced judges for good conduct, the crown had rarely, if ever, displaced a judge who was not supposed to have been guilty of misbehaviour. The Stuarts introduced the system of breaking the laws by the aid of judicial

Of the lawyers who welcomed William of Orange, sword in hand, one of the most notable is William Cowper. The future Lord Chancellor was then a young barrister of the Home Circuit. He had not been called many months, and before his call he had married the fair Judith Booth, whose virtue and beauty reclaimed him from profligate habits, but not before his notorious dissipation had laid the foundation for calumnies which blackened his reputation, and disturbed his peace in after years.

On hearing that the prince was at Torbay, William Cowper and his brother Spencer (of whose adventures mention will be made hereafter), together with twenty-six other young gentlemen, armed themselves and rode in a body towards Oxford. In 1726, Spencer Cowper, recalling this expedition, gave his niece, Lady Sarah, materials for the following account of her father's arrival at the university:—"When they came near Oxford they found the city had a garrison, and heard the king's army, said to be about 20,000 men, was encamped just by, but could not learn whether those at Oxford were of the king's or prince's party. Coming upon the bridge, they found one of the arches broke down, and an officer with three files of musketeers came up to them, presented their muskets, and asked them who they were for. Twenty-seven of the company

servants, and with the final banishment of the Stuarts that system ceased. The Act of Settlement substituted "quamdiù se bene gesserint" for "durante benè placito;" and its framers contemplated that judges would henceforth hold office for life. Subsequently it was held that judges were removable at the demise of the crown; that a new sovereign might discard any of his predecessor's judges and have fresh ones. In accordance with this erroneous holding one judge was displaced on the accession of George II. But George III. relinquished this power—given him by a misconstruction of a statute—*i.e.*, being well pleased with his grandfather's bench, he accepted them as they stood, and took away from future monarchs the power of displacing judges on first coming to the throne. This concession of nothing but the interests of his successors made the young monarch very popular, and has given rise to the false impression that judges owe their independence to him. In the language of a veteran courtier, rather than of a lawyer, old Lord Hardwicke, moving the address of thanks in the House of Peers for the king's address, observed with regard to this infinitesimal concession—"Reflect upon the histories of former times—with what difficulties such acts have been obtained, I was going to say extorted, from the crown by your ancestors, after many struggles, sometimes after more than one negative from the throne. Accept it now with thanks. Every one of your lordships must feel that gratitude in your breasts which I have imperfectly attempted to express in the address which I have now the honour to propose for your adoption."

did not care to return an answer, fearing lead in their guts if these soldiers were of the king's side; and the gentlemen had only pistols, so must have engaged with great disadvantage, but my father seemed unconcerned, and spurring his horse forward, flung up his hat, and cried, 'The Prince of Orange!' which was answered by the soldiers with a shout, and they laid planks for them to enter the town, and they were conducted to Lord Lovelace, who kept it against the king. They stayed there three days, and then went on to meet the Prince of Orange, and came into London with him."

Instead of the hardships of war, the volunteers took part in the rejoicings* that followed the prince's bloodless victory; and

* The following letter from the young barrister to his wife is a vivid picture of the life of the period:—

"Windsor, Saturday, Dr. 15, —88.

"The continuall hurry wee have been in, & our not coming to post-towns at convenient times, have hitherto hindered me frõ writing since my last frõ Ailesbury: Frõ whence we sett out on Tuesday last, & dining at Thame, came about 5 in ye evening safe to Oxford. In this day's journey I came to understand that our delays at London were fortunate, for ye day before a party of 12 of ye king's horse had been as far as Wheatley Bridge, within five miles of Oxford, to rob or intercept; wch bridge was our way necessarily. Att ye gate of Oxford wee were stopt by a guard of ye town militia and disarmed; & it being put to my choice who of severall Lords that were in town wee would wait on, I chose Ld Lovelace, who, knowing my name and business, dismist me & company wth civility and arms returned. I found ye University preparing an entertainment of musick for ye Prince (whõ they expected the next day frõ Abington), at ye theatre, & a dinner at Christ Church College, but ye news of ye kg's departure coming at 12 at night, ye prince sent word to Oxford of ye alteration of his intentions, & yt he would march ye next day to Wallingford (9 miles frõ Oxford) for London; so yt on Wednesday morning wee went, & about 2 that day mett ye prince at Wallingford, where wee saw him dine at a little inn wth great variety of meat & sauces, sweetmeats, &c., wch it seems is part of ye fatigue we admire in great generals. He lay at ye mayor's house. The next day being Thursday, he rode all ye way foot-pace frõ thence to Henley, wth a small guard of about 12 horse, but a very large attendance of lords and gentry, and abundance of acclamations & expressions of joy frõ all ye country people. Frõ thence on Friday wee came with ye prince to Windsor Castle, where he was received with usuall expressions of joy, wch is now unfeigned. I have hitherto quartered in ye same town wth ye court without difficulty, & intend now to stay till ye prince comes to London. You must conceive ye pleasure there is in seeing ye fountain of this happy revolution, and ye new face of things at court, where there is nothing of ye usuall affectation of terror, but extreme civility to all sorts of people: you shall see country women admitted to see him dine, & as many of ye nobles & principall men as there is rome for dine wth ye prince covered. I omitt private particulars, because I hope 'twill not be long till I see you at London, wch I guess will be on Tuesday; ye prince, I am informed, stays here to-day—how much longer I can't certainly tell. The army

it was not long before William Cowper found an abundance of work, more profitable, if not more pleasant, than volunteer-soldiering.

The following story concerning Chief Justice Holt appeared in the *Examiner*, and has been reprinted in many books of *ana*. "A party of the guards was ordered from Whitehall to put down a dangerous riot which had arisen in Holborn, from the practice of kidnapping, then carried to a great extent; and at the same time an officer was despatched to inform the Chief Justice of what was doing, and to desire that he would send some of his people to attend and countenance the soldiers. 'Suppose, sir,' said Holt—'let me suppose the populace should not disperse on your appearance, or at your command?' 'Our orders are then to fire upon them.' 'Then mark, sir, what I say: if there should be a man killed in consequence of such orders, and you are tried before me for murder, I will take care that you and every soldier of your party shall be hanged. Return to those who sent you, and tell them that no officer of mine shall accompany soldiers; the laws of this kingdom are not to be executed by the sword. This affair belongs to civil power, and soldiers have nothing to do here.' Then ordering his tipstaves and some constables to accompany him, he hastened to the scene of tumult, and the populace, on his assurance that justice should be done on the objects of their indignation, dispersed in a peaceable manner." This story is very ridiculous, but it points to an interesting and significant event. Of course, it is incredible that Holt said "the laws of this kingdom are not to be executed by the sword." He was too sound a constitutional lawyer to hold that military force could not be lawfully employed in quelling civil insurrection. The interesting fact is this:—On the occasion of a riot in Holborn, Holt was formally required, as the supreme conservator of the king's peace, to aid the military; and instead of converting a street-row into a massacre, he prevailed on the mob to disperse without shedding a single drop of blood. Declining to co-operate with soldiers on an unarmed multitude, he discharged

is much short of the opin. you conceive of it att London, as I'm informed; & ye foot, I see, are very little men. S^r^ H. Ashurst has ventured to come hither. The coach by w^ch^ I send is near going. We are all very well."

the ancient function of his office with words instead of sabres—with grave counsel instead of cruel violence. Under similar circumstances Chief Justice Odo would have clad himself in mail, and crushed the rabble beneath the feet of his war-horse. At such a summons George Jeffreys, having fortified himself with a magnum of claret and a pint of strong water, would have accompanied the king's guards, and with noisy oaths would have bade them give the rascals a taste of cold steel. Wearing his judicial robes, and sustained by the majesty of the law, William III.'s Chief Justice preserved the peace without sacrificing life.

CHAPTER XIV.

"THE DEVIL'S OWN."

DURING the Gordon Riots, in the year 1780, some of our lawyers were compelled to fight—and fly. There are so many reasons why insurgents should conceive a strong dislike for the law and its professors; and there are so many considerations rendering lawyers hateful to the classes which supply the raw material of mobs, that the student feels no surprise when, on the outbreak of a riot, he sees the violence of the multitude directed against the entire body or particular members of the legal brotherhood. As he sneaked out of Bristol, beyond the reach of the infuriated rabble who yelled for his blood, Sir Charles Wetherell was but the last of a long line of lawyers who had been compelled to retreat, with more haste than dignity, before the madness of popular fury. Of one great jurist and advocate, more famous for legal knowledge than personal delicacy, who during the Reform agitation of '32 saved his neck by timely use of his feet, the story ran that he escaped from his pursuers under the disguise of a clean shirt.

When Lord George Gordon's indiscreet followers rose for the defence of our Protestant religion, they resolved to sweep away the lawyers, whilst they applied the besom of destruction to Romish priests. With this laudable intention they laid siege to the Temple, whither the barristers had congregated in strong force. Not only the barristers occupying chambers in the Temple, but non-resident members of both societies were assembled on King's Bench Walk, in the gardens, and in the avenues leading to the two principal gates. Householders in Red Lion Square and Ormond Street, in Bedford Row and Great Russell Street, left their windows to the rage of the

rioters, and brought their wives, daughters, and plate-chests within the protection of their college walls.

In those days Lord Eldon was still a young man, living in Carey Street,* in a house that contained his business chambers as well as Mrs. Scott's drawing-room. This was the period during which he in his old age believed himself to have endured cruel and humiliating poverty—the period when he used to run into Clare Market and buy sixpennyworths of sprats for his wife's suppers. There is no need to say that if John Scott ever bought sprats, as he described in his later days, his conduct was not justified by narrow means; and that, instead of winning success after a hard struggle against adverse fortune, he commenced the practice of his profession with more than sufficient pecuniary means, and under advantageous circumstances. Instead of waiting through long years for an income, his fee-book told a flattering tale from the date of his first circuit. His friends in Northumberland and Durham sent him briefs as soon as he was called in February, 1776; in the following year he received £200 from one client; and at the time of his altogether imaginary distress, he was the luckiest member of the junior bar. In 1780, the year when his argument in *Akroyd v. Smithson* made him famous, and placed him in possession of a highly lucrative practice, he was well known in Chancery, to which court he already thought of confining himself; in the King's Bench, where he deemed himself ill-treated by Lord Mansfield, who was accused of showing favour to Westminster Oxford men; and on the Northern circuit, where in that same year he was appointed Solicitor General of the Grand Court established for the trial of barristers charged with mock offences.

When the Gordon rioters filled London with alarm, no member of the junior bar was more prosperous and popular than handsome Jack Scott; and as he walked from his house in Carey Street to the Temple, with his wife on his arm, he returned the greetings of barristers who, besides liking him for a good fellow, thought it prudent to be on good terms with a

* His first London residence was in Cursitor Street, his habitation there being a little house opposite Sloman's sponging-house. "Sloman's"—the sponging-house described in Mr. Disraeli's "Henrietta Temple" and Mr. Thackeray's "Vanity Fair," was pulled down some eighteen months since.

man sure to achieve eminence. Dilatory in his early as well as his later years, Scott left his house that morning half an hour too late. Already it was known to the mob that the Templars were assembling in their college; and a cry of "The Temple—Kill the lawyers" had been raised in Whitefriars and Essex Street. Before they reached the Middle Temple gate, Mr. and Mrs. Scott were assaulted more than once. The man who won Bessie Surtees from a host of rivals, and carried her away against the will of her parents and the wishes of his own father, was able to protect her from serious violence. But before the beautiful creature was safe within the Temple, her dress was torn, and when at length she stood in the centre of a crowd of excited and admiring barristers, her head was bare, and her ringlets fell loose upon her shoulders. "The scoundrels have your hat, Bessie," whispered John Scott; "but never mind, they have left you your hair."

Long after the subjugation of the rioters, and when Lord George Gordon's madness had come to be regarded as a jest rather than an outrage, the Templars found pleasure in telling how bravely they fought, or rather how bravely they would have fought, if they had been allowed to have their own way. Of the good stories concerning their valour, many of them are too good to be true, and some too true to be good.

Judge Burrough used to tell that, when the Gordon rioters besieged the Temple, he and a strong body of barristers, headed by a sergeant of the guards, were stationed in the Inner Temple Lane; and that, having complete confidence in the strength of their massive gate, they spoke bravely of their desire to be fighting on the other side. At length the gate was forced. The lawyers fell into confusion and were about to beat a retreat, when the sergeant, a man of infinite humour, cried out in a magnificent voice, "Take care no gentleman fires from behind." The words struck awe into the hearts of the assailants, and caused the barristers to laugh. The mob, who had expected neither laughter nor armed resistance, took to flight, telling all whom they met that the bloody-minded lawyers were armed to the teeth, and enjoying themselves. The Temple was saved.

The most exquisitely comical version of the incident to

which Judge Burrough's narrative points, came from Lord Erskine's lips in November, 1819; when in the House of Lords, speaking upon Lord Lansdowne's motion for an inquiry into the state of the country, he condemned the conduct of the yeomanry at the "Manchester Massacre," as certain ardent partisans even of this day designate the dispersion of Orator Hunt's meeting of workmen. "By an ordinary display of spirit and resolution," observed the brilliant egotist to his brother peers, who were so impressed by his complacent volubility and good-humoured self-esteem, that they were for the moment ready to take him at his own valuation, "insurrection may be repressed without violating the law or the constitution. In the riots of 1780, when the mob were preparing to attack the house of Lord Mansfield, I offered to defend it with a small military force; but this offer was unluckily rejected: and afterwards, being in the Temple when the rioters were preparing to force the gate, and had fired several times, I went to the gate, opened it, and showed them a field-piece which I was prepared to discharge in case the attack was persisted in. They were daunted, fell back, and dispersed." This is a good specimen of the vain-glorious statements which Erskine frequently made under the influence of egotism, high spirits, and lawless fancy. Walter Scott had some reason for his sweeping judgment—"Tom Erskine was positively mad!"*

Lord Mansfield had reason to think the Gordon rioters less manageable than Lord Erskine, after a lapse of almost forty years, supposed them to have been. An enlightened champion of religious liberty, who in parliament raised his voice for the Catholics,

* In Lord Eldon's "Anecdote Book" there is a gate story amongst the notes on the Gordon Riots:—"We youngsters," says the aged lawyer, "at the Temple determined that we would not remain inactive during such times; so we introduced ourselves into a troop to assist the military. We armed ourselves as well as we could, and the next morning we drew up in the court, ready to follow out a troop of soldiers who were on the guard. When, however, the soldiers had passed through the gate, it was suddenly shut in our faces, and the officer in command shouted from the other side—'Gentlemen, I am much obliged to you for your intended assistance, but I do not choose to allow my soldiers to be shot, so I have ordered you to be locked in;' and away he galloped." This officer had a voice fit for a commander. Above the roar of the mob, he uttered these words so distinctly that they penetrated the panels of a massive and iron-cased gate, and were audible to John Scott, notwithstanding the hubbub and commotion within the barrier.

and even on the bench shielded an unfortunate member of the Roman Church from the injustice of the law, this great Chief Justice was an object of especial abhorrence to the miserable fanatics who styled themselves "The General Protestant Association." On Friday, June 2, when the sixty thousand rioters, headed by a half-witted nobleman, marched from St. George's Fields, over London Bridge, and through the City to Westminster, Lord Mansfield was one of the peers who were subjected to brutal insult on their way to their House of Parliament. As his carriage passed down Parliament Street he was received with yells, and the windows of the coach were broken with stones. Before the servants of the House of Lords succeeded in rescuing him from the rabble, he had been subjected to such personal violence that on taking his seat on the woolsack, as Lord Thurlow's substitute, he showed marks of indignity in his torn robes and disordered wig. When that day of national disgrace had closed, he drove from Westminster to his house without again encountering the defenders of our reformed religion.

But the mob resolved to wreak their vengeance upon him in a more signal manner. Hatred of the judge who was unanimously allowed to be the most accomplished and learned lawyer of his time, was one of the motives which inspired them to besiege the Temple, in the hope of destroying the whole accursed tribe of which he was a conspicuous chief. To sack the Temple was beyond their power, but they were able to burn the Chief Justice's house in the north-east corner of Bloomsbury Square. On the night of June 6, when the riot had been permitted to rage for four or five days, a dense mass of insurgents surrounded the mansion, and speedily accomplished the work of destruction. The attack had been anticipated, but no adequate means had been taken for the Chief Justice's protection. Magistrates, indeed, had wished to surround the house with foot-guards; but fearing that the presence of the soldiers would increase rather than lessen the danger, Lord Mansfield requested that they should be stationed in the church of St. George's, Bloomsbury, away from the observation of stragglers. It was thought that in case of an attack the detachment could leave their place of concealment, and drive

the mob from the square. When the rioters, however, entered the square, their number was so great that the soldiers made no attempt to disperse them. After the leaders of the rout struck the front door with hammers and iron bars, the earl and his countess escaped by a postern gate from their premises, which were speedily in the hands of the rabble. The assailants were enthusiasts—not thieves. Destruction was ordered; robbery was denounced. "Death to Thieves!" was the cry. Of course the patriots were permitted to eat the contents of their enemy's larder and to drain his wine; but apart from victuals and drink they took away nothing of the judge's property. They broke mirrors, slit pictures down and across, and hurled costly furniture into the bonfires which made the gloomy square bright as daylight. One scoundrel was seen throwing a quantity of silver plate and gold coin into the flames, and as the precious metals left his hands, he thanked God that they would not be spent on masses. When the house had been thoroughly gutted and sacked it was set on fire.

The loss of his library, containing books given him by Pope or annotated by Bolingbroke, and manuscripts by his own hand, was the part of his misfortune which Lord Mansfield felt most acutely. There was (if the parliamentary reporters may be trusted) deep sensation in the House of Peers, when the earl, on June 19, not a fortnight after the destruction of his mansion, said, "My lords, the noble duke who last addressed the House is utterly mistaken in supposing that the employment of the military to suppress the late riots proceeded from any extraordinary exertions of the royal prerogative, and in his inference that we were living under martial law. I hold that His Majesty, in the orders he issued by the advice of his ministers, acted perfectly and strictly in accordance with the common law of the land and the principles of the constitution; and I will give you my reasons within as short a compass as possible. I have not consulted books; *indeed, I have none to consult.*"

The poet who was Thurlow's friend, in the days when the brusque Lord Chancellor was briefless Ned Thurlow, wrote—

"And Murray sighs o'er Pope and Swift,
And many a treasure more,
The well-judg'd purchase and the gift,
That grac'd his letter'd store.

"Their pages mangled, burnt, and torn,
Their loss was his alone;
But ages yet to come shall mourn
The burning of his own.

* * * *

"When wit and genius meet their doom
In all-devouring flame,
They tell us of the fate of Rome,
And bid us fear the same.

"O'er Murray's loss the Muses wept,
They felt the rude alarm;
Yet bless'd the guardian care that kept
His sacred head from harm."

Whilst flames were destroying Lord Mansfield's house in Bloomsbury Square, Lord Thurlow was expecting a visit from the mob in Great Ormond Street. A guard of soldiers had been assigned for his protection; and instead of concealing them in an adjacent church, he not only received them within his doors, but ostentatiously exhibited them at his windows. Indeed, by cleverly marching and countermarching the red-coats past the windows that looked into the thoroughfare, he created an impression on beholders that he was surrounded by a strong force. His house was spared; and when the danger had passed, it was stated that his good fortune was due to this military stratagem. But it is more probable that the rioters passed him over, because he had never offended their particular prejudices.

Our great lawyers have never been slow to extol their own courage and military prowess. In the garrulous reminiscences of his last years, when port wine had warmed his heart and relaxed his stiffened joints, Lord Eldon was wont to astonish the old attorneys and placemen who surrounded his table with stories of his valiant conduct in repelling the Corn Rioters who stormed his house in Bedford Square. When British legislators enacted the disastrous Corn Bill, which produced a rare harvest of woe and crime in the following generation, few public men were more unpopular than Lord Eldon. He was

not especially accountable for the measure; but he was a resolute and outspoken leader of the party who originated and passed it, and he had rendered himself unpopular by resisting a petition that counsel should be allowed to argue against the bill in behalf of the City of London.

On March 6, 1815, his house was attacked at a late hour of the evening. The soldiers on duty at the British Museum were called to the Chancellor's protection, and they entered the Bedford Square mansion by a back door, just as the rioters carried the front entrance. The military and the foremost insurgents met in the hall; and as they exchanged glances, Lord Eldon exclaimed to an imaginary force in the background, "Guards in the rear, reserve your fire." According to the recollection of the aged peer, the mob on hearing these words fell back; whereupon, availing himself of their confusion, he sprang across the threshold, and with his own hands captured two of the retiring enemy. "If you don't mind what you are about, lads," exclaimed the Chancellor, shaking the prisoners when he had hauled them into his house, "you will all come to be hanged." "Perhaps so, old chap," answered one of the rascals, with admirable coolness; "but I think it looks *now* as if you would be hanged first." In order that this menace might not be fulfilled, Lord Eldon, together with the women of his family, retreated by a back way to the British Museum, under the protection of a strong military escort. Beyond tearing up iron rails and breaking windows, the mob did little harm; and when the Duke of Wellington, on the following day, called in Bedford Square, the Chancellor proclaimed the success of his stratagem, and enjoyed the great soldier's courteous answer—"I am glad, my lord, that you have taken to act the general, only when I have left the field; for you certainly would have beaten me in that career." Though the Chancellor continued to reside in Bedford Square, he did not for the next three weeks think it prudent to cross the threshold of his front door; during which time he went from his house to Westminster *viâ* the Museum Gardens, attended by Townsend, the Bow Street runner, and a body of constables. At least, his lordship says so.*

* Lord Eldon's "Anecdote-Book" contains another story of his valour, which,

In his later years Erskine used to recall his military experiences with much humour and some artistic embellishments. Having served in the navy as midshipman and *acting* lieutenant, he bought an ensign's commission in the First Foot, and did regimental duty in English garrison towns and at Minorca. As an ensign he married the pretty girl to whom he was a loving and loyal husband; and as an ensign, stationed at Minorca, he was enthusiastic in his sympathy for General Mostyn, when that Governor was trounced in an action for false imprisonment and other illegal treatment brought against him in the Common Pleas by Fabrigas. Carried away by his anger with the jury who had returned a verdict for Fabrigas with damages of 3000*l.*, the ensign, whom British juries in the course of a few years raised to opulence and fame, actually wrote a lampoon on trial by a jury.

In his old age he said, "I remember well the news coming out to Malta of the verdict in the case of Fabrigas and Mostyn. I was then in the garrison, and we all took the side of our

perhaps, was not without a leaven of truth. It relates to an adventure which occurred when he was a young man upon the Northern Circuit. "I was," says the autobiographer, "counsel for a highwayman at Durham, who was certainly guilty, but against whom no sufficient case was made out by legal evidence. I would not aid the prosecution by cross-examination, and, remaining quiet, my client was acquitted and discharged. Sitting in my lodgings in the evening, a very ill-looking fellow, whose face I had seen before, but could not at first recollect where—for he had changed his dress—burst in, my clerk being absent, and said—'Lawyer Scott, you owe me two guineas. You were my counsellor to-day, and you did nothing for me. I am therefore come to have my fee back again: and my fee I will have!' I seized the poker, and said, 'Sirrah, although you escaped to-day, when you deserved to be hanged, you shall be hanged to-morrow for attempting to rob me, unless you instantly depart.' At that moment my clerk luckily came in, and the highwayman slunk off, or I am not sure that he would not have carried away with him not only his own fee, but all the fees I had received on the circuit." In criminal practice John Scott used to watch his client's case attentively, always on the alert to argue any point of law that might arise, and giving advice suited to every exigency; but in cases where he was not satisfied of the prisoner's innocence, he abstained from lengthy cross-examinations. He believed that prisoners were often brought to the gallows by their counsel, whose indiscreet questions not seldom assisted the prosecution rather than the accused. Criminal barristers at the present day know well the dangers of cross-examination. But when John Scott picked up guineas in "the rope-walk," those dangers were greater and more numerous, for as counsel might not speak for the defence on questions of fact, barristers could not bury under specious misrepresentations the ugly circumstances which they had brought to light by cross-examination.

worthy and popular governor, whom we thought very ill used; and we drank that day at the mess a hearty damnation to the jury who brought in that verdict. Getting warm with indignation and wine, I lampooned the jury after dinner in some extempore verses, little thinking that I should ever have anything to say to a jury myself. I forget exactly how they ran, but the idea was that the ghost of Great Alfred came from the abodes of the blest to survey the results of the institutions he had founded in life; and I supposed him present at the verdict of the jury against Governor Mostyn. The concluding verses were these:—

> "The monarch's pale face was with blushes suffused,
> To observe right and wrong by twelve villains confused,
> And kicking them all in the heat of his fury,
> Cried 'Cursed be the day I invented a jury!'"

In his moments of proudest triumph, Erskine selected for his heraldic device the motto "Trial by Jury."

Tom Erskine used to wear his lieutenant's uniform in London society, after he had decided to quit the army and enter the law. Until he had actually sold his lieutenant's commission, the uniform of the "Royals" was his ordinary costume at dinner-parties and in theatres. During the Easter and Trinity terms of 1775 he ate his dinners at Lincoln's Inn, amongst students who beheld with amusement his scarlet regimentals under his black gown. Gossip does not say whether he wore his military clothes in the dining-hall of Trinity College, Cambridge, where he kept terms during his *educational* career at Lincoln's Inn.

At the close of the last century, when all ranks of the nation armed in order that they might drive the Frenchmen into the sea if the First Napoleon should venture to throw a hostile force on our shores, the lawyers of London raised three separate volunteer corps. Instead of combining their numbers the Inns of Court established two regiments—the B.I.C.A., or Bloomsbury and Inns of Court Association, and the Temple Corps; the B.I.C.A. was also called the Lincoln's Inn Volunteers; and when the Temple Corps received from Sheridan the *sobriquet* of "The Devil's Own," the mob christened the Lincoln's Inn men "The Devil's Invincibles." Of these two

bodies the Temple Corps was the more favourably known. It was confined to members of the Bench and Bar, and legal dignitaries swelled its musters. Of this corps Erskine was colonel; and speaking of him, Lord Campbell says:—"I did once, and only once, see him putting his men through their manœuvres, on a summer's evening in the Temple Gardens, and I well recollect that he gave the word of command from a paper which he held before him, and in which I conjectured that his 'instructions' were written out as in a brief."*

An active rivalry and some ill feeling existed between the two corps. In the estimation of the public and also of the legal profession, the Lincoln's Inn corps was the inferior regiment. "The Devil's Own" comprised a larger number of judges and distinguished leaders of the bar, and declined to enrol any student or lawyer who was not a member of an Inn of Court. On the other hand, the "Invincibles" were glad to increase their number with recruits drawn from the inferior rank of the profession. The admission of attorneys subjected the corps to jokes equally humorous and pungent. It was said that when Lieutenant-Colonel Cox, the Master in Chancery, who commanded the corps, gave the word "Charge," two-thirds of his rank and file took out their note-books and wrote down 6*s.* 8*d.* Notwithstanding the ungenerous ridicule cast upon the B.I.C.A., several eminent lawyers served in its ranks. John Scott was on its roll after his elevation to the peerage, and Attorney General Law (subsequently Lord Ellenborough) was retained for many months in the awkward squad because he failed to satisfy the requirements of the drill-sergeant. "During the long war," Eldon used to say, "I became one of the Lincoln's Inn volunteers, Lord Ellenborough at the same time being one of that corps. It happened, unfortunately for the military character of both of us, that we were turned out of the awkward squadron for awkwardness. I think Ellenborough was more awkward than I was, but others thought it was difficult to determine which of us was the worst." This expulsion certainly

* In another note the biographer of "The Chancellors" says—"Of the other two most noted volunteer commanders in the metropolis, one had been a miller, and went by the name of Marshal *Sacks;* and the other actually was a pastry-cook in the City, famous for selling good turtle-soup, and he was dubbed Marshal Tureen."

did not occur at an early date of the regiment's career, and it may be presumed that the ejectment never actually occurred; but that Eldon and Ellenborough were irregular attendants and awkward soldiers on parade can be easily believed by the present writer, who without arrogance may claim for himself the honour of being the most inefficient private in the existing Inns of Court corps.

"I think," said Lord Eldon, when he was an old man, "the finest sight I ever beheld was the great review in Hyde Park before George III. The king in passing addressed Tom Erskine, who was colonel, asking him the name of his corps. He answered, 'The Devil's Own.' The Lincoln's Inn Volunteers always went by the name of 'The Devil's Invincibles.'" The king's courtesy to the Templars filled the hearts of the Invincibles with jealousy and wrath; for they received no similar attention.

A letter written by Scott soon after the review, shows that in his old age he faithfully recalled the emotions roused by the spectacle. "We had a most glorious exhibition," he wrote June 6, 1799, "here on the king's birthday, in the review of the volunteer corps, which furnished much the most magnificent spectacle I have ever seen. As a non-effective in an awkward squadron, I had the modesty not to show myself in arms, though I have military character enough to attend the drill occasionally in a more private scene. Your friend, Major Sir William Scott's corps, not having yet been bold enough to attempt the strong measure of firing, were also absent."

The corps that had not attempted the strong measure of firing was a corps of doctors and proctors, who, notwithstanding their strong reasons for approving any continental war in which England was a partner, became warlike under the dread of an invasion. This regiment of civilians, the third corps composed of metropolitan lawyers, was under the command of Lord Eldon's elder brother, Sir William Scott, better known to ordinary readers of the present day as Lord Stowell.

Before the volunteer movement of that period died out, the Lincoln's Inn corps was disbanded, when those of its old members who were Inns of Court men and wished to continue

their martial exercises, joined "The Devil's Own." The present compiler's authority for this statement is Mr. Espinasse, who says, "The hats of the Lincoln's Inn corps were round, surmounted with black bearskin across the crown. A tall red and white feather composed of the hackles of a cock, rose in the front of it, and presented a martial and grenadier-like appearance. But all that military gaiety had no charms for Stebbing: he could not be reconciled to a round, and pined for his pinch; he never on coming to the parade omitted his malediction against the bad taste of Sir William Grant, and the martial ornament with which he had chosen to furnish his head. His regrets became insupportable. Notwithstanding the talents of our commanding officer, and the rank of many of the privates, our military character was not splendid, and we merged into the Law Association, commanded by Lord Erskine."

Though Erskine was a poor commander, he held just views with regard to the volunteer movement. When the government lawyers maintained that the volunteers had bound themselves to the service till the end of the war, Erskine gave a directly opposite opinion. "If," he said, "the term *volunteer* is supposed to be satisfied by the original spontaneousness of the enrolment, leaving him afterwards bound, then every enlisted soldier must equally be considered to be a volunteer, and, with the difference of receiving money, and the local extent of service excepted, would be on an equal footing both as to merit and independence." After much discussion, the question was brought into the King's Bench, when Lord Ellenborough (of the B.I.C.A.) had risen to be chief of the court. Attorney-General Perceval appeared for the government, and Erskine replied. The unanimous decision of the judges confirmed the opinions given by the Colonel of the Devil's Own, and settled the question in favour of those many volunteers who having felt war's alarms were now bent upon devoting their energies to peaceful pursuits.

That English lawyers have not, in aught that concerns their military reputation, degenerated since the days of Erskine, is shown by the enthusiasm with which they prepared for bloody contest in April, 1848, and by the resolution with which they

have maintained the efficiency and character of their Volunteer Rifle Corps, since the death of that good soldier and courteous gentleman, Lieutenant-Colonel Brewster, under whose tuition and command the regiment renewed the *éclat* of Erskine's "Templars."

In the first rank of our present legal dignitaries, there is at least one eminent man whose personal career is another proof that wearers of the sword may aspire to the honours of the gown. Like Erskine, Lord Chelmsford made his first venture in the fighting trade. As a midshipman on board the *Cambrian*, Frederick Thesiger assisted in the second bombardment of Copenhagen; and having, both as advocate and wit, equalled Thomas Erskine's splendid renown, he, like Erskine, won the seals, and resigned them after a brief tenure of office. Lord Erskine held the Great Seal for fourteen and Lord Chelmsford for sixteen months: Lord Erskine retired from office with reasonable expectations of a speedy restoration to the woolsack, and in like manner when Lord Chelmsford delivered up the seals in 1859, he had little reason to suppose that he was entering on six years of opposition and comparative obscurity. It is not probable that the Conservative Chancellor will live for six more years without again tasting the sweets of office; and in his privacy he has the satisfaction of knowing that the warmest opponents of his party would find in his return to power some consolation for their own political defeat.

PART III.—LAWYERS ON HORSEBACK.

CHAPTER XV.

MR. MANSFIELD BRASINGFACE.

AT the close of the last century popular satirists took pleasure in attributing to the legal profession, especially to its less dignified order, an almost total ignorance of matters pertaining to horses and horsemanship. It was their humour to represent the clergy as enthusiastic supporters of hunting; but the poor lawyers always came to grief, when vanity induced them to wear pink, or the gibes of their companions goaded them into a display of equestrian deficiency. At covert-side, "He rides like a bishop," was an expression of respect; but the laughter of the field followed the strange horseman who was said to "look like a lawyer." At a somewhat later date sporting novels were by no means complimentary to doctors in the saddle, but they were far more uncivil to legal practitioners. The apothecary in pink, spurring his hackney to a gallop by the side of country gentlemen, was deemed a fit object for ridicule; and an Irish novelist even went so far as to enliven his pages by telling how a noble master of hounds, a Fitzgerald by name and blood, actually horsewhipped a country doctor in the presence of a numerous field, for his impudence in presuming to participate in the pastime of his social superiors. It is but fair to Ireland, and a noble sport, to say that such unseemly violence accords neither with Irish sentiment nor with the feelings of huntsmen; and the present writer has frequently heard Irish gentlemen declare this particular story a baseless fabrication. But though satirists delighted to cover the man of medicine with supercilious plea

santry, he was seldom charged with total equestrian incapacity. His nag might have been galled by the collar; its knees might be scarred and its wind touched; the man himself might be depicted as "a perfect beast of a druggist," but he was allowed to hold his own amongst horsemen, up to the maximum of his steed's capabilities. The caricaturist was compelled to allow a certain amount of equestrian faculty to the man who spent the greater part of his time in the saddle, riding at the gallop to relieve women in labour, and saving his credit for promptness by short cuts across country. Sterne was not wrong in making Dr. Slop's steed a miserable little pony; but the novelist erred in representing the doctor as unable to stick upon its back. Sporting novels of more recent date have for the most part abstained from reproducing the blunder of "Tristram Shandy."

That lawyers have been treated with greater severity and injustice is no matter for surprise. Popular prejudice for centuries depicted them as despoilers of the helpless, and as consummate artists in fraud. Whenever an orphan was unjustly deprived of his estate, a lawyer's brain devised the scheme—a lawyer's hand constructed the instrument of spoliation. In every villany that same hand takes part. It picks the widow's pocket, inserts the clause which strips a generous patron of his estates, destroys the evidence of the true heir's legitimacy, substitutes the spurious will, falsifies accounts, pens the libel, distributes gold to lying witnesses, and gathers into a private store the moneys which it has no right to touch. Sweep away the lar-*r*-r-yers, as poor Mr. Trulliber used to call them, and forthwith there would be an end of triumphant roguery. The lawyer is the typical knave, the arch-villain, the perjured monster, the heartless demon of our social system. As "the greatest scoundrel unhung," long since consigned by the unanimous but impotent wishes of his fellow-countrymen to endless perdition, how justly is he punished by those imaginative avengers of injured innocence, who lure him across the backs of skittish mares, flay his abominable visage with bullfinches, souse him in running waters, and eventually break his neck in a steeple-chase.

Even in these enlightened days, when Free Trade and a

French Alliance have dispelled some of the mists of popular prejudice, the British heart beats gladly over the sufferings of the lawyer who comes to grief in a hunting-field.

The memory comes before this writer of a visit which he paid not many years since to a great man's country seat. It matters not how this writer came to be invited to a great man's house; nor is it needful to enumerate the many pleasures of the visit. Every four-and-twenty hours brought new events and faces; and amongst the faces then seen for the first time in our great man's house was the smooth countenance of Mr. Mansfield Brasingface, of the common law bar. Through energy, knowledge of law, incessant loquaciousness, and a knack of impressing a certain class of clients with a sense of his intellectual omnipotence, Mr. Mansfield Brasingface is well known to have achieved a conspicuous and lucrative place in his profession. He has recently taken silk without any diminution of income; but at the time to which this paragraph more especially points, he was a rising man on circuit and in Westminster Hall. In consequence of the zeal and ability which he displayed as one of Lord Barnet's counsel in the great case of Lord Barnet *v.* Great Western Railway Company, he was brought down for a week's holiday by his enthusiastic and noble client.

That Mansfield Brasingface had created a favourable impression on the Judges by his argument in behalf of Lord Barnet is unquestionable; but he was less fortunate on appearing before the great people of Doldrum Castle. Indeed there is reason for thinking that Lord Barnet blushed for his *protégé* as soon as he saw him stripped of wig and flowing robes. For himself, Mansfield had no misgivings, though professional success had on no previous occasion opened to him the door of high society. His first entrance was unfortunate. Into the drawing-room, where the people assembled before dinner, he tripped with needless agility, holding forth a pair of hands which he had been pleased to cover with gloves—gloves of a pale straw-coloured kid. His first effect was unpropitious. He must have seen the glances that were exchanged by the men and women; but when it concerned his own conduct, he was always slow to catch the meaning of a

glance. At dinner he did not lessen the unfavourable impression. Having taken Erskine for a precedent with regard to his straw-coloured gloves, from the beginning to the end of dinner he resolutely carried out Lord Brougham's precept, that the young barrister who means to make a figure at the common law bar should avail himself of every opportunity for talking. Wishing to show that he was perfectly at his ease, thinking that his professional advancement might be accelerated by a brilliant display of dinner-table oratory, and in the fulness of his beneficence anxious to contribute to the general enjoyment, the young man gave reins to his loquacity. Merciful heavens! how he talked, waving his gloves over his plate, and flushing with triumph whenever people laughed with him, in order that he might not see how they were laughing at him! Porcelain, Italian art, diplomatic arrangements at the Tuileries, history of the Opera, psychology of women, and Jesuit missions in China, were amongst the subjects on which he spoke with prodigious erudition. By rising to withdraw, the ladies abruptly stopped his learned monologue on "Lace." When the men drew together over their claret, he lectured them on the dog and horse of ancient sculpture.

That same night, at an *airly* hour o' th' mornin', in an out-of-the-way room of the castle, cigars were smoked by Lord Arthur Fenchurch, Admiral Stepney, Lieut.-Colonel Shadwell, of the 16th Lancers, old Peter Docks (of the West India family), Ned Poplar, of the Treasury, Sir John Limehouse, and Charlie Blackwall, of the Blues. For ten minutes the smokers maintained a silence that was at last broken by Peter Docks saying, in his most vicious tone of voice, "My lads, we must kill that lawyer. If we don't kill him he'll talk us to death. So let us toss up at once, and see who is to throw the tomahawk." This sanguinary proposal not being received with the gravity which it deserved, Admiral Stepney, who clearly took the proposer's view of the case, observed, in a most business-like tone, "It's all well to laugh; but something must be done. He spoiled my rubber by jawing at the top of his voice about the origin and history of cards; and if we don't shut him up, he wont let us play billiards at peace. What's to be done?" Further silence; and dense volumes of smoke. At length,

having drawn himself up to his full height of six feet two inches, and slowly pulled out his moustachios with both hands, Charlie Blackwall, of the Blues, took the cigar from his lips and prepared to speak. "Leave him to me," said the oracle, slowly. "I'll mount him on my chestnut mare. To-morrow we'll *wide* togevver!" A hum of applause!

"Lawyers can sometimes hold their own in the hunting-field," I suggested, citing the case of a learned sergeant who is well known in the shires.

"Ya-as," returned Charlie Blackwall, "lawyers can *wide*, but then they don't give tongue like that fl'r." After a pause he added, "The snob has never thrown his leg over pig-skin."

This writer suggested, mildly—

"The man is a nuisance; but you mayn't break his neck for that, since he can't help it."

"He could help coming here, sir, couldn't he?" roared the bloodthirsty Peter Docks, adding an imprecation that shall not be transferred to this page.

"And why not break his neck?" inquired Sir John Lime-house. "Society won't miss him. There'll be another bore to take his place."

"Pooh!" interposed Colonel Shadwell. "The fellow won't come to much harm. The devil takes care of his own."

"No," said Charlie Blackwall, "I shan't kill him. I'll b*wing* him home alive; but," he continued, turning to me, "I'll take care, my boy, that you have something to turn into penny-a-lining."

Notwithstanding his many fine qualities and accomplishments, it must be admitted that Charlie Blackwall remains even to this day notably ignorant of and indifferent about the wide gulf which divides the British penny-a-liner from the writer of articles. Indeed, although he entertains an uninquiring, and even blind respect for our national literature, he has hitherto failed to appreciate the dignity and usefulness of the professional author. Once I heard him finish a brief enumeration of a certain writer's good qualities by saying, "In fact, he is an enormously good fellow; and I can assure you he regularly took the wind out of me when he first told me how he lived.

He's just about the last fellow in the world that you'd expect to do anything off the square."

The next day I passed a wretched morning—walking alone to the ruins of Basle Abbey, and meditating on the cruel fate in store for Mr. Mansfield Brasingface. Though I had never had personal relations with him, I was aware that he was a meritorious as well as rising man. From the day when in compliment to the memory of the great Chief Justice he assumed the name of Mansfield, and threw aside the apron and sleeves in which he served his apprenticeship to a tea-grocer in Exmouth-street, Clerkenwell, he had shown himself an upright, resolute, and clever fellow. He had discharged every private duty whilst courageously striving to climb the ladder of legal promotion. He had bravely grappled with his evil star; and it was no fault of his that horseflesh was altogether absent from those waves of circumstances which he had breasted. His was a hard case; and I accused myself of meanness in not giving him a hint of the conspiracy against his peace of mind and soundness of limb.

My knowledge of Charlie Blackwall did not allay these natural fears. He had shown me much kindness in taking me under his protection on my first arrival at the castle, and in declaring a decided partiality for me. In my own case, nothing could exceed his condescension and goodness. Compassionating my total inability to do anything apart from what he is pleased to term "penny-a-lining," he covered me with his wing, and clothed me with popularity. Gratefully I attribute it to his cordial countenance that my bed-room was turned into a smoke-room for the men on our side of the castle, and that I every night went to sleep with eyes painfully inflamed by the fumes of tobacco. He was moreover a man of many powers. At billiards, pistol-practice, waltzing, card-tricks, the French-horn, and cut-cavendish he was an artist of the highest order. I have myself seen him bisect a leg of mutton with a single sword-stroke, and break a linen bandage by the contraction of his biceps; and I have never met the man who could walk faster without bending his legs at the knees. But none of these gifts and acquirements encouraged a hope that he would show mercy to his foe.

On returning to the castle I crossed the bridge and entered the court, fearing that I should forthwith receive the particulars of a gloomy accident. It was not probable that Brasingface was a horseman; it was even less probable that he would confess to equestrian or any other inability. Had the chestnut mare taken the bit in her teeth and run clean away with him? Had she borne him at full gallop over the park, and dashed his luckless head against the arm of some huge tree? Was the miserable man already groaning under the surgeon's hands?

"Haigh!" exclaimed a voice on the other side of the court.

It was Charlie Blackwall; and with long steps the monstrous fellow came towards me, pulling fiercely at his moustachios, and never bending a leg as he advanced.

"Well," asked this writer, in a voice of agitation, "what have you done with him? Is he damaged seriously?"

"He's indoors," snorted the guardsman, "giving tongue to the women on landscape-gardening. He don't *wide*."

Beyond description were the bitterness and ferocity with which he uttered these last words, "He don't *wide*."

"What?" I answered, with relief and astonishment. "He confessed that he couldn't ride?"

"He says," returned Charlie, with ferocious contempt, pulling at his moustachios again, and snorting in his rage—"he says he can *wide*, but the faculty have ordered him to keep himself quiet, and not to *wide*."

"Indeed. He doesn't seem very ill."

"I said to him," continued Charlie, "if the faculty wish you to keep yourself quiet, Mr. Br-*w*asingface, I am sure you ought not to talk so much."

CHAPTER XVI.

CHANCELLORS' CAVALCADES.

ALTHOUGH the Inns of Court at the present time number a goodly array of gentlemen who habitually follow hounds and are honourably known in the best hunting countries, equestrian adroitness is by no means an universal accomplishment of wearers of the long robe; but from the days of Odo till the general adoption of carriages, the lawyer was invariably a skilful horseman. He rode in armour over hard-fought fields, and in the discharge of the peaceful duties of his profession he was constantly in the saddle. Whilst the courts followed the king's person, suitors and their advisers learned in the law could win neither cause nor fee without riding for it. In the royal train came the judges, superbly mounted and richly attired, so that in their progress from city to city they enhanced the pomp and splendour of their sovereign; and in the train of the judges came the learned sergeants and counsel, the registrars and clerks, reining mettlesome steeds and equipped in a style that accorded with the gorgeous magnificence of the entire cavalcade. For many a day the judges were powerful ecclesiastics, who found their chief pastime in the sports of the field; and ancient records tell how these chieftains of the Church lavished money on their stables. In those days of picturesque chivalry, the horse, hound, and hawk were the fast companions of every man whose purse was full, and whose place, by birth or deed, was fixed amongst the "gentle of the land." And being gentle by office, culture, descent, the early lawyers would have been horsemen, even if they had not been required to ride whithersoever it might please the lord of the realm to hold his court.

When the courts were permanently fixed at Westminster,

the lawyer was less frequently compelled to mount horse in behalf of his clients; but the reform wrought less change in his habits than readers might suppose. By boat he could pass from the Temple to Westminster, where the Chancellor and common law judges during term dispensed justice in the great, noisy, dirty, splendid hall—splendid with banners and the bright dresses of judges, sergeants, spectators: noisy with the hum of a dense multitude, with the barbarous language of the law, and with the low tones of the judges sitting in open courts, within sight of each other. But magnates of the bar, and even sad apprentices of the law, preferred the saddle to the boat, and were wont to make the daily journey from their inns to Westminster on horseback in the train of the judge before whom they practised. But though he could reach the courts at Westminster without using spur or bit, the lawyer still journeyed about the country on circuit; and on circuit the judges and the whole profession maintained the same pomp and gaudy splendour which had characterized their progresses when they were part of the sovereign's retinue. For safety, as well as for theatrical effect, they rode *en masse*, attended by the sheriff's armed escort, and themselves ready to defend the majesty of law against the lawless bands who might attack them on their way through unreclaimed forests, or over desolate heaths. The bright pageantry and all the pompous circumstances of feudal life surrounded their march. When they moved, crimson and gold, burnished steel and floating ancient gladdened the eye; at the same time the ear was addressed by the blare of trumpets, the rattle of armour, the tramp of iron feet, the neighing of horses, and the joyous hum of riders. Such were the splendour and glory of circuit under the Plantagenets!

By degrees these judicial progresses lost much of their pristine gorgeousness; but in the sixteenth century Wolsey, with a taste for imperial display which it is absurd to account for by a sneering reference to his arrogance and personal vanity, delighted the vulgar and incensed the rich by the unprecedented costliness and grandeur of the pageants with which he illustrated his tenure of the seals.*

* "He issued out unto them," says Cavendish, exulting over his beloved master's impressive splendour, "appareled all in red, in the habit of a cardinal, which was

In the reign of Elizabeth, Wolsey's state was imperfectly reproduced by Hatton on May 3, 1587, when he rode to Westminster Hall, after entertaining the judges and nobility in Ely Place. Mounted on a richly-caparisoned palfrey, he rode between Lord Treasurer Burghley and the Earl of Leicester,—a long train of mounted noblemen and gentlemen, judges in their robes, and knights ready for the field, following him in order, two and two.

Francis Bacon's progress from Gray's Inn to Westminster (May 7, 1617) has been described by many writers who, however widely they differ in estimating his moral worth, concur in celebrating the brilliance and completeness of the new Lord Keeper's pageant.*

either of fine scarlet, or else of crimson satin, taffety damask, or caffa—the best that he could get for money; and upon his head a round pillion, with a noble of black velvet set to the same in the inner side; he had also a tippet of fine sables about his neck; holding in his hand a very fine orange, whereof the meat or substance within was taken out, and filled up again with the part of a sponge, wherein was vinegar and other confections against the pestilent airs, the which he most commonly smelt under passing among the press, or else when he was pestered with many suitors. There was also borne before him—first, the Great Seal of England, and then his cardinal's hat, by a nobleman or some worthy gentleman, right solemnly, bare-headed. And as soon as he was entered into his chamber of presence, where there was attending his coming to wait upon him to Westminster Hall, as well noblemen and other worthy gentlemen of his own family; thus passing forth with two great crosses of silver borne before him; with, also, two great pillars of silver, and his pursuivant at arms with a great mace of silver gilt. Then his gentlemen ushers cried and said, 'Oh, my lords and masters, on before; make way for my lord's grace.' Thus passed he down from his chambers to the hall, and when he came to the hall door, there was attendant for him his mule, trapped together in crimson velvet and gilt stirrups. When he was mounted, with his cross-bearers and pillar-bearers, also upon great horses trapped with fine scarlet, then marched he forward, with his train and furniture in manner as I have declared, having about him four footmen with gilt poll-axes in their hands; and thus he went until he came to Westminster Hall door, and there he alighted and went after this manner up through the hall into the Chancery: howbeit, he would most commonly stay a while at a bar made for him a little beneath the Chancery, on the right hand, and there commune some time with the judges, and some time with other persons. And that done he would repair into the Chancery, sitting there till eleven of the clock, hearing suitors and determining of divers matters."

* "On the first day of Trinity Term, May the seventh," writes Mr. Hepworth Dixon, in his vindication of Lord Bacon, "he rode from Gray's Inn, which he had not yet left, to Westminster Hall, to open the courts in state; all London turning out to do him honour; the queen sending the lords of her household, Prince Charles the whole of his followers; the lords of the council, the judges and sergeants, com-

Bacon's successor dispensed with the ancient ceremonial of a mounted procession when he opened the courts in his character of Lord Keeper. Of humble extraction, John Williams had not in his youth acquired the arts of the *manége;* as an ecclesiastic, who had forced his way into Chancery against the judgment and interests of all regularly educated lawyers, he was very unpopular with the profession over whom he was about to preside; as an upstart he endured the scorn of the nobility. Doubtful whether he could sit securely in a saddle, and certain that neither the lawyers nor the aristocracy would care to ride in his train, he prudently resolved to avoid the discomfort and perils of the customary procession. He decided on walking to Westminster Hall—not a long walk, as he lived in the Deanery. In obedience to his summons, the judges assembled at the Deanery, followed the new Lord Keeper to the Abbey, knelt behind him in Henry VII.'s Chapel, whilst he prayed for sudden enlightenment about Chancery law and practice, and finally attended him on foot to the adjacent Hall, where he repaid their reluctant courtesy by lecturing them on the corruption and infamous usages of their profession.

At this same period of English history a lawyer rode from Westminster to London under circumstances which should be borne in mind, although they display with no agreeable force the barbarity of our forefathers. In the year of our Lord 1621, Edward Floyde, a gentleman of good repute, good fortune, and good family, a barrister and scholar, was guilty of a most heinous offence against the laws of man and God. He actually spoke of the King and Queen of Bohemia, of his sovereign's son-in-law and daughter, as "Goodman Palsgrave and Goodwife Pals-

posing his immediate train. On his right hand rode the Lord Treasurer, on his left the Lord Privy Seal; behind them a long procession of earls and barons, knights and gentlemen. Every one, says George Gerard, who could procure a horse and a foot-cloth fell into the train; so that more than two hundred horsemen rode behind him through crowds of citizens and apprentice boys from Cheap, of players from Bankside, of the Puritan hearers of Burgess, of the Roman Catholic friends of Danvers and Armstrong; and he rode, as popular in the streets as he had been in the House of Commons, down Chancery Lane and the Strand, past Charing Cross through the open courts of Whitehall, and by King Street, into Palace Yard. He wore that day, as he had worn on his bridal day, a suit of purple satin. Alighting at the gates of Westminster Hall, and passing into the court, he took his seat on the bench."

grave." This was the man's crime. He spoke these words carelessly, and being a Catholic he thereby incurred a charge of endeavouring to bring the king's offspring and the Protestant religion into contempt by seditious and defamatory language. For this offence, and no other, he was arrested by order of the House of Commons and put upon his trial. It was not pretended that his conduct in any way touched the privilege of the House; but partly because certain members were mad with religious fury, and chiefly because all the members wished to emulate the king in grasping unconstitutional power, he was placed at the bar of the House, and after a form of trial was thus addressed by the Speaker:—"Therefore the said Commons do adjudge and award that, for the offence you have committed, you be returned this night prisoner to the Fleete, and to-morrow morning you shall be brought to Westminster into the yard before the Great Hall of Pleas, and do there stand in the pillory from nine until eleven of the clock in the forenoon, with a paper upon your hat, bearing the inscription in capital letters:—For False, Malicious, and Despiteful Speeches Against The King's Daughter And Her Husband: from thence you shall presently ride to the Exchange within the City of London, upon a horse without a saddle, with your face backwards towards the horse's tail, holding the tail in your hand, with the said paper on your head; and that you do there stand in the pillory for two hours, and from thence you shall ride in like manner to the Fleete, and be imprisoned there; and next Friday morning you are to ride in like manner into Cheapside, and there stand in the pillory with the said paper and inscription as before, by the space of two hours, and then ride back in like manner to the Fleete; and further, you shall pay to the King a fine of 1000*l.*" Had this iniquitous sentence defined all the punishment in store for the victim, his case would have been truly pitiable; but the House of Lords made an addition to its atrocious directions. Indignant with the Commons for trying an offence that lay beyond their jurisdiction, the Peers insisted on re-hearing the case. Mr. Floyde, therefore, was impeached before the Upper House; and having satisfied their dignity by bringing the trial to their bar, the Lords not only endorsed the barbarities of the Commons, but in their courtesy

to the inferior order of the Legislature intimated their opinion that the loyal and religious Commons had only erred on the side of mercy. It was ordered by the Lords that Mr. Floyde should be whipped at the cart's tail; and no voice was raised against this order in the name of humanity, although one fastidious nobleman demurred to it on considerations of gentility. Mr. Floyde was "a gentleman," and might not gentle rank suffer in the estimation of the vulgar if such a man were flogged like a hound in the public streets? But this objection was overruled. Emboldened by the decision, an amiable lord of high degree suggested that whilst Mr. Floyde stood in the pillory his ears should be nailed to it. But through unaccountable tenderness the hereditary judges declined to garnish the sentence with this refinement of brutality.

In due course the sentence was carried out. Edward Floyde, barrister-at-law, rode in broad daylight through a hooting multitude, on a horse that was not furnished with a saddle, with his face turned towards the tail of the animal, and with the beast's tail in his hands. He stood in the pillory and was pelted by the mob; he walked behind the lingering cart, whilst the fierce rabble saw his bare back scourged by the hangman's whip. When men charge the Stuarts with cruelty, they should not forget that the subjects of the Stuarts were no less cruel. When the Jameses and Charleses are denounced for their disregard of popular liberty and their encroachments on constitutional privilege, it should be remembered that Parliaments were no less inclined to rule despotically. The student of English history, in his horror at the fiery persecutions of the Tudors, and in disgust at the atrocities of Jeffreys, should not shut his eyes to the passionate excesses of which all ordinary Englishmen were capable throughout the years which divide the feudal epoch from recent civilization.

Amongst the legal processions of James I.'s reign, mention should be made of the grand array of lawyers and knights who attended Sir Henry Montague to Westminster on November 14, 1616, on his elevation to the chieftancy of the King's Bench. "First," says Dugdale, "went on foot the young gentlemen of the Inner Temple; after them barristers according to their seniority; next, the officers of the King's Bench; then the said

Chief Justice himself on horseback, in his robes; the Earl of Huntingdon on his right hand, and the Lord Willoughby, of Eresby, on his left; with above fifty knights and gentlemen of quality following." Dugdale's description of this pageant is the more interesting because it refers to an obsolete custom. The Chancellor's processions are still retained in the annual pomp with which the courts are opened after the long vacation; but since Lord Tenterden was attended to the House of Lords, in 1827, by a strong muster of the bar, the streets of London have not been blocked by any demonstration in honour of a Chief Justice.

In former times the justices of the King's Bench court, making a state progress to Westminster, were accustomed to ride upon mules, and not on horses. The mule, doubtless, was first employed in King's Bench processions by an ecclesiastical Chief Justice; and the later clerical judges not only rode the same beast, but fixed the custom which lay judges were long content to maintain. Dugdale, in the "Origines Juridiciales," says: "It is reported that John Whiddon, a justice of this court, was the first of the judges who rode to Westminster Hall on a horse or gelding, for before that time they rode on mules."

As the use of carriages became more general, equestrian adroitness became less common amongst lawyers. Instead of riding their circuits, the judges began to travel from town to town in ponderous coaches, drawn by six or eight horses. Ere long the use of the saddle was thought inconsistent with the dignity of a judge entering a provincial capital to open the assizes; and the king's justice, who in accordance with ancient usage rode into a cathedral town, sitting on his horse, by the side of the sheriff, found himself the object of animadversions not more friendly than those that were recently showered by influential journals on a well-known judge who provoked their hostile criticism by travelling from his suburban villa to Westminster Hall upon the knife-board of an omnibus.

To the last, the great Sir Edward Coke took pleasure in horse-exercise. In the eighty-third year of his age he made the following entry in his diary:—"The 3rd of May, 1632, riding in the morning in Stoke, between eight and nine o'clock,

to take the air, my horse under me had a strange stumble backwards and fell upon me (being above eighty years old), when my head lighted near to sharp stubbles, and the heavy horse upon me; and yet by the providence of Almighty God, though I was in the greatest danger, yet I had not the least hurt—nay, no hurt at all. For Almighty God saith, by his prophet David, 'The angel of the Lord tarrieth round about them that fear Him, and delivereth them,' et nomen Domini benedictum, for it was His work." The fall was, however, a more serious affair than he supposed; his death in the following September being, in a great measure, attributable to it. But though Coke was an expert and habitual horseman, diaries and note-books of the period represent him on circuit travelling in a ponderous coach drawn by six horses,* and holding in his hand an enormous fan, which he used as a parasol rather than as an instrument for moving the air. Scandal whispered that the chief justice was wont to administer personal chastisement to his daughters with the stout stick of his fan. Regarding the statement as baseless, the lawyer's defenders account for the calumny in an ingenious manner. Following the example of Wolsey (who used to carry into court the rind of an orange stuffed with aromatic gums, spices, and salts, for the gratification of his olfactory nerves, and for security against the noxious exhalations of dense crowds), Sir Edward made it his custom to carry a vinaigrette fixed at the end of his fan-stick. It is not incredible that Sir Edward Coke was placing this vinaigrette to the nose of one of his daughters, when some bilious curmudgeon, witnessing the occurrence, misapprehended the nature of the scene, so far as to think that an expression of paternal fondness was an act of ruffianly violence. When Sir Edward Coke first assumed a vinaigrette, sticks fitted with perfume boxes were ordinarily carried by gallants, and by men whose

* When Lord Treasurer, the Earl of Suffolk, passed sentence on the fallen Chief Justice, he added—"To conclude, I have yet another cause of complaint against you. His Majesty has been credibly informed that you have suffered your coachman to ride bare-headed before you, and His Majesty desires that this may be foreborne in future." Whereto Coke replied, "I humbly submit myself to His Majesty's pleasure; but this I beg your lordships to take notice of, and to state to His Majesty from me, with all humility, that if my coachman hath rode before me bare-headed, he did it at his own ease, and not by my order."

duties brought them in contact with disease. No physician's costume was complete without one of these wands, which were worn by distinguished members of the faculty within the memory of persons who are still alive.

During the civil war and Commonwealth the ancient equestrian processions of lawyers through London were discontinued; and though practising barristers continued to ride circuit, a class of lawyers arose who were entirely unskilled in the *manége*. At the Restoration there were judges, registrars, chamber-barristers, and London attorneys, who could not have galloped over Hampstead Heath without humiliating accident. Amongst the ludicrous incidents of Charles II.'s coronation was the discomfiture of an eminent lawyer, who, having joined the royal cavalcade on a skittish charger, was thrown to the ground in the presence of courtiers and mob. "Thus did the day end," records Samuel Pepys, in his 'Coronation Notes,' "with joy everywhere; and blessed be God, I have not heard of any mischance to anybody through it all, but only to Sergeant Glynne, whose horse fell upon him yesterday, and is like to kill him, which people do please themselves to see how just God is to punish the rogue at such a time as this, he being now one of the king's sergeants, and rode in the cavalcade with Maynard, to whom people wish the same fortune." Nothing is more amusing in Pepys's Diary than the rapid growth of his loyalty. The difference of his tone on politics between the opening of 1660 and Charles's coronation in 1661 is characteristic and laughable; but the young Admiralty clerk does not often display such an intolerant and vindictive temper as he exhibits in the paragraph just quoted. In the days of the Republic, Glyn was a republican: and when royalty once more came into fashion, he adapted himself to new circumstances with a prudent versatility that characterized the lawyers almost as generally as the churchmen of the period. Having acted as Chief Justice of the upper bench under the Protectorate, he was knighted and made king's sergeant by Charles II., and held high place amongst leading advocates till his death in 1666. That his enemies constantly twitted him with his tergiversation, and also with the receipt of royal favours—a fact far more painful to his rivals than the

political perfidy with which they charged him. Butler hit him in the oft-quoted couplet—

> "Did not the learned Glyn and Maynard,
> To make good subjects traitors strain hard?"

Though the Londoners saw in Glynne's besmeared robes a proof of God's displeasure with Cromwellian supporters, and therefore prayed that Maynard might be humiliated in like manner, the latter lawyer kept his place in the cavalcade without mishap; and subsequently having outlived Charles II. and seen James's flight, welcomed William of Orange with a flash of epigrammatic wit.

The Restoration saw a revival of the periodic processions of mounted lawyers. On Oct. 23, 1660, Pepys made entry in his Diary:—"In my way thither I met the Lord Chancellor and all the judges riding on horseback, and going to Westminster Hall, it being the first day of term." Aubrey says the custom was dropped on the death of Sir Robert Hyde, in 1665. For several years the inexpert horsemen amongst the judges and leaders of the law, ceased to dread the first days of term, as a time when they would certainly part with a portion of their skins, and might lose their lives. But in 1673 Shaftesbury's cruel revival of the equestrian pomp* covered poor Judge Twisden with mud and derision.

* "His lordship," says Roger North in the *Examen*, "had an early fancy, or rather freak, the first day of the term (when all the officers of the law, king's counsel, and judges, used to wait upon the Great Seal to Westminster) to make his procession on horseback, as in old time the way was, when coaches were not so rife. And, accordingly, the judges, &c., were spoken to, to get horses; as they and all the rest did, by borrowing and hiring, and so equipped themselves with black foot-cloths, in the best manner they could: and divers of the nobility, as usual, in compliment and honour to a new Lord Chancellor, attended also in their equipments. Upon notice in town of this cavalcade, all the show company took their places at windows and balconies, with the Foot Guard in the streets, to partake of the fine sight; and, being once well settled for the march, it moved, as the design was, statelily along. But when they came to straights and interruptions, for want of gravity in the beasts, and too much in the riders, there happened some curvetting, which made no little disorder. Judge Twisden, to his great affright and the consternation of his grave brethren, was laid along in the dirt; but all, at length, arrived safe, without loss of life or limb in the service. This accident was enough to divert the like frolic for the future, and the very next term after, they fell to their coaches as before. I do not mention this as any way evil in itself, but only as a levity and an ill-judged action—

Having thus disappeared with a practical joke, there is no ground for fear that the Chancellor's cavalcade will be revived.

for so it appeared to be in respect to the perpetual flux of solemn customs and forms that will happen in the succession of ages, not reducible back to antiquity nor needing so to be; which makes usages that are most fitting in one time appear ridiculous in another. As here, the setting grave men, used only to coaches, upon the *manége* on horseback, only for the vanity of shew, to make men wonder and children sport, with hazard to most, mischief to some, and terror to all, was very impertinent, and must end, as it did, *en ridicule.*"

CHAPTER XVII.

"THE FOOLISH LIE OF THE RHINOCEROS."

OF Caroline lawyers on horseback biography has preserved many other pictures, pleasant or keenly comic. Of Littleton's ride from London to York mention has been already made. The son of a judge, who sate in the Court of King's Bench, Whitelock enjoyed horse-exercise and the society of barristers on circuit, before he was himself called to the bar. Whilst he was still a Temple student, at a time long prior to the slaughter of his dogs and the removal of saddle-horses by Prince Rupert, "according to the leave he had from his father, and by his means from the several judges, he rode all the circuits of England to acquaint himself with his native country, and the memorable things therein." In like manner Edward Hyde, favourably introduced to the bar by his uncle, Sir Nicholas Hyde, Chief Justice of the King's Bench, rode circuit before he could hold a brief. In the summer of 1628 he acted as his uncle's marshal on the Norfolk Circuit, and had the misfortune to sicken of the smallpox at Cambridge whilst the trials were going forward. In those days the pedestrians of the Inns of Court, instead of climbing Alpine mountains, used to fatigue themselves with long marches in the wake of the mounted circuiteers. Maynard, in his younger days, was a notable walker, and more than once went the Western Circuit on foot. This course, however, was deemed imprudent; for country attorneys were apt to think that poverty, rather than love of exercise, induced the juniors to tramp over moor and fen, and in the days of cavaliers and roundheads manifest poverty did not help an aspirant to success, or recommend an untried counsel to the confidence of the inferior practitioners of the law.

In his preface to "Gouge's Surest and Safest Way of

Thriving," Baxter tells us that Chief Justice Hale was taught respect for the Lord's Day by a signal interposition of Divine providence. The lawyer was travelling on Sunday, when his horses fell lame; and the upright but superstitious man saw in the accident a manifestation of God's disapproval of Sunday travelling, and from that time he always rested throughout the sacred day. "The Lord Hale," says Baxter, "hath told me how the strange providences of God, in laming and disabling his horses, and other impeditions in a journey towards London for worldly advantages, did convince him and engage him to spend the day as he hath done."

In the seventeenth century, barristers on circuit were called circuiteers; and it was usual to speak of them as circuiteering, when they were travelling from assize town to assize town. Of life upon the Northern, Norfolk, and Western Circuits, in the time of Charles II., Roger North's biography of his brother, Lord Guildford, contains some admirable and suggestive pictures. "From Newcastle," says Roger, throwing much light on the perils which surrounded the bar on their circuiteering journeys in olden time, "his lordship's route lay to Carlisle. The Northumberland sheriff gave us all arms; that is, a dagger, knife, pen-knife, and fork, all together. And because the *hideous* road along the Tyne, for the many and sharp turnings, and perpetual precipices, was for a coach not sustained by main force impassable, his lordship was forced to take horse, and to ride most part of the way to Hexham. We were showed where coal-mines burnt underground, but could discern nothing of it, besides the deadness of all plants there. We were showed the Picts' wall; but it appeared only as a range or bank of stones, all overgrown with grass, not unlike the bank of the Devil's Ditch at Newmarket, only without any hollow, and nothing near so big. Here his lordship saw the true image of a Border country. The tenants of the several manors are bound to guard the judges through their precinct; and out of it they would not go, no, not an inch, to save the souls of them. They were a comical sort of people, riding upon *nags*, as they call their small horses, with long beards, cloaks, and long broadswords, with basket hilts, hanging in broad belts, that their legs and swords almost touched the ground; and every one, in

his turn, with his short cloak and other equipage, came up cheek by jowl, and talked with my lord judge. His lordship was very well pleased with their discourse, for they were great antiquarians in their bounds."

Those who have visited, or are familiar with, the black country of Northumbria, will relish this piece of local description. The country which appeared so *hideous* to the biographer may be extolled for picturesque grandeur, and is, in its particular way, as beautiful as any district of England. The smoke of a thousand furnaces obscures its loveliness in these later days; but when Judge North rode from Newcastle to Hexham, the air was not less pure than bracing; and though carboniferous strata gave them a dark tinge, the rapid waters of the Tyne above Newcastle were clear as crystal. Roger North's inability to appreciate the natural charms of the "hideous" road is conspicuous amongst the many striking illustrations furnished by literature of that insensibility to the attractions of magnificent scenery which was very common amongst our forefathers, from the time of Francis Bacon to the time of Horace Walpole. Long after Roger's time the clearness of the atmosphere round Newcastle supported the proverb which contrasted it with smoky Shields; and when the good John Wesley visited the pitmen of the north, he was not more shocked by their impiety, than delighted with the delicious air and fine scenery of their land. "After preaching," he records in his journal under June 4, 1759, "I rode on to Newcastle. Certainly, if I did not believe there was another country, I would spend all my summer here; as I know no place in Great Britain comparable to it for pleasantness. But I seek another country, and therefore am content to be a wanderer upon the earth."

There is reason to believe that the gentlemen of the Northern Circuit not unfrequently travelled the Border country in liquor as well as in arms. Even on circuits where the roads were passable to wheeled carriages, and where there was no danger of encounters with banditti, the circuiteer of the seventeenth century was accustomed to drain a potent stirrup-cup before bidding farewell to the pretty maid who had waited upon him at the previous night's supper. A prodigious quantity of wine also was drunk at circuit-dinners; and the lawyers, who on

rising from table found themselves compelled to hasten onwards to the "next town," not seldom spurred across country in a state of perilous intoxication. In his younger days, Francis North nearly lost his chance of the Seals on a drunken ride from Colchester.*

In the concluding years of his career another story was

* "Before," says Roger North, "I mention the farther steps of his lordship's rising, I must get rid of a scurvy downfal he had, which had well-nigh cost him his life. That he was what was called a sober person was well known; but, withal, that he loved a merry glass with a friend. But once in the circuit, being invited, with the rest of the counsel, to dine at Colchester with the recorder, Sir John Shaw, who was well known to be one of the greatest kill-cows at drinking in the nation, he, with the rest of his brethren, by methods too well known, got very drunk. They were obliged to go on, and in that condition mounted, but some dropped and others proceeded. His lordship had a clerk, one Lucas, a very drunken fellow, but at that time not far gone. He thought it his duty to have a tender care of his master, who, having had but one fall (contrary to the sound advice of his experienced clerk), would needs get up again, calling him all to nought for his pains. His lordship was got upon a very sprightly nag that trotted on very hard, and Lucas came near to persuade him not to go so fast; but that put the horse upon the run, and away he went with his master full speed, so as none could follow him. The horse, when he found himself clear of his pursuers, stopped his course by degrees, and went with his rider (fast asleep upon his back) into a pond to drink; and there sate his lordship upon the *sally*. But, before he fell, Mr. Andrew Card, now an eminent practiser of conveyancing in Gray's Inn, and then Mr. Coleman's clerk, came up time enough to get the horse out of the pond before he fell off, else he had been lost; for which service his lordship ever had a value for Mr. Card. They took him into a public-house nigh at hand and left him to the care of his man, but so dead drunk that he knew nothing that happened to him. He was put into a bed, and the rest of the company went on, for fear of losing their market. Next morning, when his lordship awaked, he found he was in a strange place, and that at a fire-side in that room there were some women talking softly (for talk they must): he sent out all his senses to spy, if he could, what the matter was. He could just perceive they talked of him. Then he called for Lucas, and bade all go out of the room but him; and then 'Lucas,' said he, 'where am I?' He was glad the danger (of which Lucas gave him a sensible account) was over, and got him up to go after his fellows. I remember when his lordship told this story of himself, he said the image he had, when his horse first trotted, and so faster and faster, was as if his head knocked against a large sheet of lead as a ceiling over him; and after that he remembered nothing at all of what happened till he awoke." In the foregoing passage the word "sally" deserves a moment's notice, as it is an intermediate word between "saddle" and the Elizabethan word "sell." Critics have now very generally agreed that Shakespeare charged vaulting ambition with o'erleaping "his sell," and not with o'erleaping "himself"—a feat beyond the powers of any moral Blondin or Leotard. In the sixteenth century, "sell" was a common word for the seat with which riding-horses were equipped. How far Roger North's "sally" was a word generally used in the seventeenth century it would be difficult to decide.

steadily told and retold, with countless variations, of Francis North, whose face grew scarlet with rage whenever an allusion was made to it in his presence. It concerned neither horse nor saddle; but as it represented the grave Lord Keeper astride a noble and marvellous beast, it claims insertion in this chapter. Lord Keeper Guildford had held the seals for something less than two years, when his opponents at court were flattering themselves that they would soon thrust him from the Marble Chair, and confer his office on one of their own set. Already Jeffreys was mentioned at Whitehall and in the Inns as the man who would certainly supersede him; and so long as it would effect the downfall of mean-spirited Guildford, there were many who wished success to the handsome, witty, overbearing, and equally unscrupulous Chief Justice of the King's Bench. To gain their purpose, Jeffreys, and the clique who were bent on bringing about the Lord Keeper's dismissal, strove to lower him in the estimation of court and country by covering him with ridicule. Every week produced a new story to his discredit. Lampoon and pasquin were aimed at him from Little Britain and the Row; and young gallants of the Temple won a welcome to the king's palace by merry lies about the unpopular lawyer.

Affairs were in this state, and the Lord Keeper was fretting and fuming about the infamous machinations of his enemies, when the town was greatly excited by the arrival of the first rhinoceros that reached the shores of England. The beast was to Charles II.'s London all and more than all that the hippopotamus was to our own town on first coming to Regent's Park. Ladies raved, *savants* lectured, actors sung, wits jested about the wondrous stranger. The creature was a female, and received the adoration of masculine poets. The wildest fabrications were uttered about its country, habits, accomplishments. It was very swift of foot; it could fly; it could sing; it was in communication with the unseen world, and could foretell future events. No one questioned its identity with *the* unicorn of heraldic science. On October 22, 1684, John Evelyn, Fellow of the Royal Society, wrote in his diary: "I went with Sir William Godolphin to see the rhinoceros *or* unicorn, being the first that I suppose was ever brought over into England. She

belonged to some East India merchants, and was sold (as I remember) for above 2000*l.* At the same time I went to see a crocodile, brought from some of the West India islands, resembling the Egyptian crocodile."

The importer of the rhinoceros was a Turkey merchant and personal friend of Sir Dudley North, who was also a merchant, trading principally with the ports of the Levant. At Dudley's invitation the Lord Keeper hurried into the City to get an early peep at the rhinoceros, and drink a glass of wine with its spirited importer. With characteristic fuss he told several persons whither he was bound, exaggerating the virtues of the strange beast, and glorifying his brother Dudley and all other Turkey merchants who made money and loved the king. The news quickly spread. Lord Chancellors now-a-days can move from Hyde Park Corner to the Mansion House without a mob at their heels; but in the lounging, gaping, gossiping seventeenth century a Lord Keeper could not drive through the town by daylight without being an object of attention. At Whitehall malicious humour made the most of the Lord Keeper's excursion. Before he set eyes on the wondrous creature, maids of honour and maids of no honour, pages and gentlemen of the privy chamber, were running to and fro with the astounding news that the Lord Keeper had been riding the rhinoceros about the City. Was such indecorum ever witnessed in past time? Was the Lord Keeper mad? What would the king say? On the following day the guardian of the king's conscience was dining in his own house, when a bevy of noblemen and noisy courtiers called to inquire how he felt after his ride.

In his biography of Lord Keeper Guildford, Roger North, in a marginal note, says—"The foolish lie of the rhinoceros, His lordship much roiled at it;" and in the body of the book he thus tells the story:—"To show that his lordship's court enemies, the Earl of Sunderland in particular, were hard put to it to find or invent something to report, tending to the diminution of his character, I shall give an account of the most impudent buffoon lie raised upon him, and, with brazen affirmations of truth to it, dispersed from the court one morning, that ever came into fools' heads; and Satan himself would

not have owned it for his legitimate issue. It fell out thus: "A merchant, of Sir Dudley North's acquaintance, had brought over an enormous rhinoceros to be sold to showmen for profit. It was a noble beast, wonderfully armed by nature for offence, but more for defence, being covered with impenetrable shields, which no weapon could make any impression upon; and a rarity so great that few men in our country have, in their whole lives, opportunity to see so singular an animal. This merchant told Sir Dudley North that if he, with a friend or two, had a mind to see it, they might take the opportunity at his house before it was sold. Hereupon Sir Dudley North proposed to his brother, the Lord Keeper, to go with him upon this expedition; which he did, and came away exceedingly satisfied with the curiosity he had seen. But whether he was dogged to find out where he and his brother housed in the City, or flying fame carried an account of the voyage to court, I know not; but it is certain that, the very next morning, a bruit went from thence all over the town, and (as factious reports use to run) in a very short time—*viz.*, that his lordship rode upon the rhinoceros, than which a more infantine exploit could not have been fastened upon him. And most people were struck with amazement at it, and divers ran here and there to find out whether it was true or no. And soon after dinner, some lords and others came to his lordship to know the truth of himself; for the setters of the lie affirmed it positively, as of their own knowledge. That did not give his lordship much disturbance, for he expected no better from his adversaries; but that his friends, intelligent persons, who must know him to be far from guilty of any childish levity, should believe it, was what roiled him extremely, and much more, when they had the face to come to him to know if it were true. I never saw him in such a rage, and to lay about him with affronts (which he keenly bestowed upon the minor courtiers that came on the errand) as then; for he sent them away with fleas in their ear. And he was seriously angry with his own brother Sir Dudley North, because he did not contradict the lie in sudden and direct terms, but laughed, as taking the question put to him for a banter, till, by iterations, he was brought to it. For some lords came, and because they

seemed to attribute somewhat to the avowed positiveness of the reporters, he rather chose to send for his brother to attest than to impose his bare denial. And so it passed; and the noble earl, with Jeffries, and others of that crew, made merry and never blushed at the lie of their own making, but valued themselves upon it as a very good jest."

Strange that men who are callous to scorn, often writhe under ridicule. Francis North could be cheerful whilst he remembered that all high-minded gentlemen had concurred to despise him; but the laughter of a knot of roistering courtiers stung him to a frenzy of rage.

CHAPTER XVIII.

THE IRON AGE.

THROUGHOUT the eighteenth century judges were said to "ride their circuits," although they usually travelled in their private coaches; and even at the present day, when it is a solecism to apply the word "riding" to a person who is taking carriage exercise, it is not unusual to speak of judges as "riding their rounds." Lord King, whilst Chief Justice of the Common Pleas, rode in turn each of the English Circuits; whereas it had previously been the custom*—but by no means the invariable custom—for a judge to confine his official journeys to one circuit.

Railway locomotion is a great aid, as well as convenience, to young barristers struggling into practice. In the days just prior to the introduction of iron roads, counsel were forbidden by etiquette to use the stage-coaches. It was thought that the dignity of the bar would be diminished if Mr. Briefless took his chance with the common herd of travellers; and sticklers for the purity and independence of the robe gravely argued that the honour of the English bar would run risk of defilement if an advocate, sitting in the same coach with attorneys and suitors, or important witnesses, entered into conversation with them, and exerted himself to maintain the sociable intercourse common with travellers by stage-coach. If barristers on circuit decided not to ride in the saddle, they were required to travel in chaises, or to tramp. They might walk

* This custom had been by no means so invariable as Lord Campbell supposed when he wrote, "Lord Chief Justice King went as judge of assize twice a-year, and he broke through the *old* custom for a judge to continue to 'ride the same circuit.'" Before the Revolution, judges very commonly changed their circuits. Francis North acted judicially on more than one circuit. The same also was the case with Jeffreys Hale, and other well-known judges.

the round, or journey in the luxurious ease of their private carriages, or pass from town to town in a hired vehicle; but no wearer of the long robe could enter an assize town in a public conveyance without incurring an indictment for misdemeanour before the high court of the circuit, empowered to punish circuiteers for offences against professional etiquette.

Charles Abbott, Lord Tenterden, never mounted a horse in the whole course of his life. In his old age, on being advised to take horse-exercise for the benefit of his declining health, he replied, calling Francis North to mind, "that he should certainly fall off a horse like an ill-balanced sack of corn, as he had never crossed a horse any more than a rhinoceros, and that he had become too stiff and feeble to begin a course of cavaliering. My father," he added, "was too poor to keep a horse, and I was too proud ever to earn sixpence by holding the horse of another." On joining the Oxford Circuit, in 1796, he started a horse and gig; in which vehicle he drove circuit. About two years after joining the Oxford round he nearly lost his life, near Monmouth, from a severe fall from his gig. As he had already taken much of the circuit business, his brother-circuiteers regretted that he did not break his neck instead of his leg.

Of course, barristers might travel together in one coach; and it was usual for circuiteers to form themselves into parties, sharing the heavy cost of "posting." But even when a barrister found himself one of an agreeable party, "posting" was a disagreeable as well as an expensive process. The sharers of a chaise could not journey a stage without consulting the wishes of the entire party: and often those wishes were at variance. One man would like to sleep another night in a town, waiting for a last chance of business, or a last kiss from a provincial coquette; another would be anxious to reach the next town, where he was engaged to appear in a heavy cause that required days of consultation and preparation; a third would propose an excursion to the house of a county magnate who had asked them to dinner; a fourth would mention the charms of a trout-stream, and suggest a digression from the turnpike for the sake of a day's fishing.

Friendly intercourse is sweet; but it has an alloy of bitter-

ness and many dangers. Every autumn, friendships are broken for life by the irritability which takes possession of fellow-travellers who are well disposed to each other, but have incompatible tempers. Men bound for Chamouni cross the Channel in an agreeable excitement of mutual affection, and at the end of six weeks reappear in London, hating one another with intensest animosity. They have pulled in different directions; disagreed about hotel bills; espoused opposite sides on questions of continental politics; failed to see, at least neglected to applaud, each other's jokes; wanted dinner at irreconcilable hours; been at cross-purposes in their silence and in their speech; with galling disparagement have made light of each other's pedestrian achievements and muscular ability. Maybe A is the stronger man, sounder in wind and firmer in limb, and has insolently triumphed in his physical superiority over B. Perchance he has done no such thing; but B, sensitive about his own bodily weakness, has been outwalked by his more vigorous friend, and then in a pet has in his heart accused him of brutal bumptiousness. Anyhow they have quarrelled; and a month's excursion has killed a friendship that might under favourable circumstances have flourished for fifty years.

Barristers posting through the country saw far too much of each other. Bickerings and feuds arose;* and sometimes the

* The amusing author of "Law and Lawyers," in the following terms, draws attention to a squabble which took place in a coach between Mr. Justice Gould and Mr. Baron Hotham:—"Mr. Cradock mentions having had, while acting as sheriff in the room of a friend, to receive at Leicester Mr. Justice Gould and Mr. Baron Hotham. As soon as he was seated with them in the coach, Mr. Justice Gould said to him, 'We set out so early from Derby in the morning that we did not receive any letters or public accounts: has any news arrived at Lincoln from America?' 'None that is good, I fear, my lord; there seems to have been some disaster in the expedition to the Chesapeak.' 'Has there?' exclaimed the judge, hastily; 'that is exactly what I feared and expected.' 'And pray,' cried Baron Hotham, warmly, 'why did your lordship particularly fear and expect some disaster to the Chesapeak? Was it because my brother is the leading admiral on that station?' 'Upon my heart,' replied Mr. Justice Gould, 'that circumstance never occurred to me, or I should not have so expressed myself.' Mr. Baron Hotham, however, did not appear at all satisfied, and the journey to Leicester was very uncomfortable in consequence. When they arrived at the judges' lodgings, the under-sheriff whispered to Mr. Cradock, 'For Heaven's sake, what has been the matter? I rode close to the side of the window that was open, in order to prevent the altercation being heard, but this was impossible.' On this, Mr Cradock followed the judges into their lodgings, and declared to them that

" sad apprentices" having ordered the horses to stop exchanged shots at the half-way house of a long posting-stage. Even where they restrained themselves from expressions of hostility, mutual self-respect was utterly destroyed by undue familiarity. No judge ever named as guardian to his children, or even as executor, the brother-circuiteer with whom he was wont to post in days when they were at the bar. Greatly conducive to these petty squabbles was the irksome slowness of travelling. Of course the lawyers in good practice worked at their papers whilst the posters cantered up hill and down dale at the average rate of eight or nine miles per hour, but briefless juniors, unless they were rare and most exceptional impostors, could not through a long day's drive feign earnest application to the statements of dummy briefs. Usually they shortened the hours with cards or dice; and where four men posted together in a double-seated coach, they would play whist on a table made by a plank fitted into the windows of the carriage. This custom gave rise to a painful scandal concerning a barrister, who after winning high honours in his profession is still alive. The story may be told; but the great man's name must be held sacred.

Many years since the lawyer lost an aged aunt, whose will required her body to be interred in a distant part of the country. Like a dutiful nephew, and in a manner becoming his aunt's executor, the young barrister, together with other gentlemen (closely connected with the deceased lady by blood or business), journeyed from London to the place of sepulture. The hearse containing the embalmed body had been sent forward, and the mourners followed it at an interval of a few days' journey. The first day was very tedious; and as several days would follow it, ere the place of interment could be reached, the nephew on the second morning of the dolorous expedition proposed to his companions in grief that they should have a rubber. He had cards in his pocket, and at the next roadside inn they could get a board that would serve them for a table. The suggestion was unanimously adopted; and throughout the

he had never felt so uneasy in his life, as he had been the unwitting cause of the quarrel, and begged the learned baron to be reconciled to his brother. This speech had the desired effect, and harmony was once more restored."

remainder of the comfortless progress, the mourners played steadily with complete indifference to the scenery which surrounded them, and with that superb devotion to "the game," which characterized whist-players half a century since. Under the circumstances the mourners "progressed as favourably as could be expected." Their spirits rose; much money changed hands; and when the four gentlemen stood in the old lady's mausoleum, the two who had won were sustained by an enlivening sense of worldly prosperity, and the two who had lost thirsted for revenge on the homeward journey.

Unfortunately, however, certain local gossips of the puritanical district where the old lady was buried, had either seen the mourners at whist, or heard how they amused themselves. The story passed from mouth to mouth, and reached London almost as soon as the melancholy whist-players. Of course in London the story lived; and years afterwards, when the nephew had risen to eminence in politics and law, people were told at dinner-parties how the great lawyer had taken his aunt's body from London to Scotland, *playing cards on her coffin throughout the entire journey.* This last development of the report was delightful. The simple *raconteurs* maintained that the coffin was put across the interior of the carriage, the head sticking out of one window, the foot out of the other, and that the flippant nephew and his friends thus cut and dealt upon the very coffin-lid. That the ordinary carriage windows of the period were far too small so to admit a full-sized coffin, and that if the windows had been blocked up with a coffin, the players would have been in the dark, were facts about which gentlemen telling the anecdote "on the very best authority," did not care to trouble themselves. The facts of the occurrence were just as they have been already stated. The nephew may have sinned against decorum; but he was certainly not so culpable as the gossips represented.

It is needless to say that the custom of posting upon circuit originated in convenience rather than etiquette, and was fixed by sheer necessity rather than by professional taste. The public conveyances regularly plying between provincial towns were quite insufficient to meet the exceptional demands of circuiteers, who were consequently compelled to hire car-

riages. It having thus become usual for barristers to post, regard for professional decorum stepped in, and changed custom into law. When railways began to suck the traffic of the old turnpike roads, the etiquette of the bar was relaxed,—counsel being allowed to travel circuit by public conveyances, if they contrived to enter actual towns of assize on horseback or in quasi-private carriages. Soon it was permitted them to run into an assize-town by ordinary railway trains; and when it had once been allowed that a barrister might travel circuit in a public carriage drawn by machinery, the rule forbidding him to enter a public conveyance drawn by animal power soon became obsolete.

The railway has done much to destroy the ancient sociability of circuit. Instead of tarrying steadily in each town throughout assizes, barristers, on the rising of court, sometimes return to London for dinner, or whisk off by an express train to a watering place forty miles distant. Especially is this the case on circuits, and parts of circuits, lying within easy range of London. Even so late as the last generation, the common law barrister looked forward to circuit as a social jaunt, not less than as a journey in search of fees. As soon as he had ridden twenty miles from London, he relied on his brother-circuiteers for companionship and the means of wholesome recreation. Occasionally he might dine at the house of a country friend *en route* for the "next town," but for the most part he found his amusement as well as his work in the assize-towns. He dined regularly at the bar mess, save when he accepted a judge's invitation, or drank a magnum of port at a mayor's table. The gentlemen of the long robe did not smoke in those days, or if they smoked they were moderate and clandestine smokers. The cigar and philosophic conversation were not amongst their nightly excitements: but they had their short-whist and steaming punch, their puns and good stories.

They lived with each other, gossiping, jesting, drinking: cultivating the social virtues and ruining their constitutions in the most approved fashions of the good old times. Rare the days, and still better the nights, of every jolly fellow for whom full-bodied wine had mirth without penal conse-

quences; and who was known amongst his brother-circuiteers as a boon-companion, good at a bottle, sure at cards, abounding in repartee, and able at fit times to sing "The Rising Barrister," or "I know a Judge." But let it not be supposed that the bar had no more elevating enjoyments. Loving woman as well as wine and song, they were seen at county or municipal balls, dancing the dances of the period, and rousing the sentiment which knows not fashion, and is the same now that it was before the fall of Troy. The assize-balls were amongst the chief and most brilliant events of country-town life: and what would they have been without the junior bar? In those days, so far away and also so near, the assembly-room was a school of manners, and the younger barristers were professors who fashioned rustic beauty with an exquisite art,—giving her the grace, and style, and wit of urban refinement. Think not that Miss Sophia Western learnt her country dances from mere dancing masters. Of course they taught the young lady her positions, and steps, and figures; but her delicate execution, winsome coquetry, delicious affectation of coyness, dainty watchfulness, precision, dash, *verve*, frolic—all the poetry of the art, came to her from the teaching of a junior bar, whose accomplishments won the admiration of Tom Jones and stirred the envious wrath of Mr. Blifil. It was the same with later dances. Mr. Briefless was the prophet of the quadrille, the apostle of the waltz. As far as provincial ball-rooms were concerned, the Duchess of Devonshire and Baron Neumann would have lived and danced in vain, had not the junior bar, with their usual magnanimity and disinterestedness, volunteered to act as interpreters to the rustic multitude.

But all is changed now. "Circuit is not what it used to be!" How often is this regret heard on the lips of veterans who joined their circuits when Copley was at the height of his fame, and Lord Erskine a man about town. Circuit is not what it was! Here and there may be found an *amateur* barrister who still loves to ride the summer circuit, followed by a mounted clerk. A judge can still be pointed to in Westminster, who, in the fashion of olden time, has "ridden his round." But the pleasure and pomp, the leisurely progress and social friendliness of the old circuit life are no more.

The attempt to preserve them is the failure of a few young men who know not the glory of the past. The mess is no longer a privilege and a source of vivid enjoyment, but a heavy dinner, at which leaders now and then condescend to show themselves, and juniors eat in silence and drink listlessly. There is a little whist still: but, Lord bless you, the game is a miserable pretence in an age which tolerates no vice that requires more than two persons for its consummation. The assembly-room is an extinct institution. Unless the mayor is an attorney, no barrister dines with him: whereas in the good old time no counsel was permitted to dine, during assizes, with a mayor who belonged "to the lower order of the profession." What youngster is now-a-days ambitious of becoming "the jolly good fellow" of his circuit? Why, the youngsters of this degenerate age on the Home Circuit dine in Pall Mall instead of Lewes and Guildford. This is the sum of the sad case:—Lawyers no longer "ride circuit," they "rail it."

CHAPTER XIX.

RIDING AND DRIVING.

MANY are the good stories told of great lawyers who, in their early years of obscurity and comparative indigence, found it difficult to raise funds for the purchase of a new horse. In the summer of 1741, Charles Pratt had for three years ridden the Western Circuit—the circuit on which his father, Sir John Pratt, for years discharged the office of judge—when his horse suddenly died at a western assize-town. Without clients, and without large private resources, the young circuiteer reluctantly bought a fresh horse to replace the brute which had dropped in the middle of the legal round. Accidents with horseflesh never come singly; and scarcely had Pratt purchased his new steed, when it turned up lame. "Alas!" he wrote to a friend, soon after his return to town, "my horse is lamer than ever—no sooner cured of one shoulder than the other began to halt. My losses in horseflesh ruin me, and keep me so poor that I have scarce money enough to bear me in a summer ramble; yet ramble I must, if I starve to pay for it."

The son of a country parson was more cruelly pressed than the son of a Chief Justice. When lazy, keen-eyed, loquacious Ned Thurlow had eaten his dinners and donned a bar gown, he was sorely perplexed as to means for procuring a horse. Like the future Lord Camden, he selected the Western Circuit; but less richly endowed by fortune, he encountered insuperable obstacles in his attempts to get possession by fair means of a suitable steed. In the previous century Maynard had walked the circuit; but Thurlow was averse to bodily exercise, and professional prejudice ran strongly against pedestrian circuiteers. There was urgent want of a horse. How was it to be supplied?

Thurlow had bought his wig on credit, and he "ticked" his dinners at Nando's and the Mitre; but the wary British horse-dealer was resolutely in favour of cash transactions, when his customers were unknown members of the junior bar. In his trouble he called on a horsedealer, and in the confident tone of a man who, without inconvenience, could at his own cost put a cavalry regiment in the field, intimated that he stood in need of a very superior roadster. As to price, money was an affair of total indifference to him, so long as he could get a really desirable animal. "Show me a horse that you can recommend; and if I like him *after trial,* I'll have him at your own price." What could mortal dealer do but assent to this proposal, coming from the well-looking, imperious young man, who in subsequent years ruled our hereditary legislators with insolent despotism, and whose aspect was so imposing that a shrewd observer said, "It is impossible for any one to *be* so wise as Thurlow looks." Forthwith a strong and serviceable hackney was saddled; and forthwith the young barrister mounted. The trial lasted longer than the dealer thought fair. Instead of returning to the stables in the course of the afternoon, Thurlow rode off to Winchester; and when the owner of the steed again looked upon his property, the creature had visited every town on the Western Circuit. Together with the horse, the dealer received a note from Thurlow, intimating that "the animal, notwithstanding some good points, did not altogether suit him."

A good story is told in Campbell's "Lives of the Chief Justices," of George Wood, the famous special pleader and instructor of law students. "George," says Lord Campbell, "though a subtle pleader, was very ignorant of horse-flesh, and had been cruelly cheated in the purchase of a horse on which he had intended to ride the circuit. He brought an action on the warranty that the horse was 'a good roadster and free from vice.' At the trial, before Lord Mansfield, it appeared that when the plaintiff mounted at the stables in London, with the intention of proceeding to Barnet, nothing could induce the animal to move forward a single step. On hearing this evidence, the Chief Justice, with much gravity, exclaimed, 'Who would have supposed that Mr. Wood's horse would have *demurred,* when he ought to have *gone to the country?*' Any

attempt to explain this excellent joke to *lay gents* would be vain, and to lawyers would be superfluous." Thus says Lord Campbell in the "Chief Justices;" but in his earlier work, the "Chancellors," he attributes the pun to Erskine, and explains the joke to the "lay gents" with sufficient clearness. "In an action," says the biographer of Erskine, "against a stable-keeper for not taking proper care of a horse—'The horse,' said Mingay, who led for the plaintiff, 'was turned into a stable with nothing to eat but musty hay. To such feeding the horse *demurred*.' 'He should have *gone to the country*,' retorted Erskine. This, though *caviare* to the multitude, to the true special pleader is of exquisite relish, 'demurring' and 'going to the country' being the technical terms for requiring a cause to be decided on a question of *law* by the judges, or on a question of *fact* by the jury." Who first made the joke? Mansfield, or Erskine, or "any other man?"

When Lloyd Kenyon—"Taffy," as Thurlow used to call him in the insolence of patronage and good-humoured contempt—first appeared amongst the barristers of the North Welsh Circuit, he rode a small Welsh pony, given him by his economical father.

Mounted in like manner on a pony, Thomas Erskine joined the Home Circuit in the spring of 1779; but the smallness of his steed may not be attributed to lack of money; for, although his call took place so recently as the July of the previous year, he was already in great and lucrative practice. Remarkable for eloquence, and for that delicate tact which stands an advocate in better service than oratorical power, but far more remarkable for his sudden and dazzling success, Erskine leaped into the first rank of court practitioners by his speech in behalf of Captain Baillie (*King's Bench.* The King *v.* Baillie), made in the fifth month after his call to the bar. That single effort gave him reputation, popularity, and the position in which wealth could be easily gathered by a man of his powers. The court-martial on Admiral Lord Keppel was held in the January of 1779; and for his services in behalf of Lord Keppel, the inquiry put a fee of a thousand guineas into the pocket of the legal novice. In the spring of that year, the junior member of the Home Circuit bar was its actual leader. No man was

more influential with juries, more popular at the bar-mess, or in greater request with attorneys. A brilliant future lay before the fortunate and superbly-endowed man. Elated by success and borne away by hope, with prophetic egotism, and a self-confidence—that would be ridiculous had it been the herald of failure, but seems heroic when we reflect how signally it was justified by events—he exclaimed to his friend, William Adam, "Willie, the time will come when I shall be invested with the robes of Lord Chancellor, and the Star of the Thistle shall blaze on my bosom." These words were uttered as the two friends were riding over a heath between Lewes and Guildford. The steed on which the speaker sate was the pony "Jack," honoured in his grave by the following epitaph from the Chancellor's pen:—

> "Poor Jack! thy master's friend when he was poor,
> Whose heart was faithful and whose step was sure.
> Should prosperous life debauch my erring heart,
> And whisp'ring pride repel the patriot's part;
> Should my foot falter at Ambition's shrine,
> And for mean lucre quit the path divine;
> Then may I think of thee when I was poor,
> Whose heart was faithful, and whose step was sure."

Like Eldon, and the majority of eminently successful men who have raised themselves to conspicuous stations from obscure beginnings, Erskine delighted to magnify the difficulties and privations of his early manhood. The notorious suddenness of his rise, immediately after his call, put it beyond his power to romance, after the fashion of John Scott, about long endurance of a penury that rendered loathsome fish, bought for a few pence in an unclean market, a suitable and welcome repast. But in tones alternately pathetic and triumphant, he would tell startling and incredible stories of his sordid experiences between his retirement from the army and his call. The children whose hands he felt plucking his robe in Westminster Hall, were fed in those days on cow-beef; his wife ate cow-beef; he himself ate cow-beef. If the butcher had been called to give evidence on this point—unless we are greatly mistaken—that worthy man would have been very indignant at the suggestion that he dealt in meat of an inferior quality. Far too much has been made of Erskine's early indigence. His

father's poverty has been ridiculously exaggerated. Doubtless young Thomas Erskine had less money than appetite for the luxuries which can be purchased with money; but there are facts that disprove, or at least discredit, the droll fictions with regard to the privations of his student-life. His family were not in opulent circumstances, but he had blood-relations able and willing to assist him. However close and stingy they may sometimes be to those who are not of their kin, the Scotch of all degrees, and especially those of noble condition, are generous to members of their immediate connexion. Mrs. Erskine was the daughter of a gentleman who sate in the House of Commons, and though she brought her husband no definite fortune, she was not the child of a necessitous family. That Erskine was not cruelly pressed for money at the period under consideration, is seen by the fact that he could afford to keep terms at Cambridge whilst he ate dinners at Lincoln's Inn. He not only kept terms at Cambridge, but kept them as a fellow-commoner of the most expensive college in the University, Trinity College. The difference between an ordinary pensioner's fees and a fellow-commoner's fees, was a sum which no man would have sacrificed without a good purpose, whilst his wife and children lacked the comforts of life. Be it also borne in mind that the mere cost of coaching eight times per annum between Cambridge and town was in those days a grave matter to a very poor man. It may be objected that these expenses are, to a certain extent, in favour of the view that he experienced urgent poverty at the time of his call, since liberal expenditure leads to want. But it surely seems far more reasonable to argue that Erskine would not have entered his profession in such a costly manner if he had been pinched for the means of living. Residence at Cambridge of course shortened the period of his studentship at Lincoln's Inn; but he could have attained that advantage without paying the dues of a fellow-commoner. Moreover, in London he led the life of a man of pleasure—dining at rich men's tables, dancing with ladies of fashion, and talking wits to silence. This is not the life of a necessitous man. It has been said that after joining Lincoln's Inn he wore his old regimentals, because he could not afford to buy a civilian's dress; but in

reply it may be urged that he did not finally sever himself from the army until he had for some time been a law-student, and that until the sale of his commission, vanity and fashion alike prompted him to wear the military costume. Anyhow, it is a fact that he was a most prosperous man when he joined the Home Circuit, although Lord Campbell, misled by the epitaph, says, "He composed the following lines to the memory of a beloved pony 'Jack,' who had carried him on the Home Circuit when he was first called to the bar, and could not afford any more sumptuous mode of travelling."

Erskine's humanity towards animals is perpetuated in his bill "For the Prevention of Cruelty to Animals," in one of his speeches upon which measure he passionately observed: "As to the tendency of barbarous sports, of any description whatsoever, to nourish the natural characteristic of manliness and courage—the only shadow of argument I ever heard on such occasions—all I can say is this, that from the mercenary battles of the lowest of beasts—human boxers—up to those of the highest and noblest that are tormented by man for his degrading pastime, I enter this public protest against such reasoning. I never knew a man remarkable for heroic bearing, whose very aspect was not lighted up by gentleness and humanity; nor a *kill-and-eat-him* countenance that did not cover the heart of a bully or a poltroon." Of many quaint stories illustrating his fine tenderness for the mute creation, one may be inserted in this paragraph. Having expostulated with a ruffian for violently beating a feeble and emaciated horse, he was asked by the rascal, "Why! it is my own, mayn't I use it as I please?" The man's tone heightened the insolence of his words, and having uttered them he renewed his attack on the poor brute. In a trice Erskine, who was armed with a stout cane, gave the offender a sound thrashing. "What right have you to strike me?" roared the fellow, beside himself with rage and pain. "Pooh, man!" replied the executioner, "my stick is my own, mayn't I use it as I please?" Of Erskine's pet leeches notice will be taken elsewhere.

Until he was ruined by the acquisition of the seals, Erskine lavished money on his stables and travelling equipages. His carriages were the best in town, and his horses roused the

enthusiasm of equestrian connoisseurs. At the close of the famous trials of Hardy, Horne Tooke, and Thelwall,—trials which raised Erskine to the summit of his fortunes, and made him the idol of the people,—the mob took the horses from his carriage, and dragged him in triumph from the Old Bailey to Serjeants' Inn. "Injured innocence," exclaimed Erskine, addressing the crowd from a window when he had passed from his carriage to his house, "still obtains protection from a British jury; and I am sure, in the honest effusions of your hearts, you will retire in peace and bless God." To Sir John Scott and the other counsel for the crown, who had not figured to advantage in these foolish prosecutions, Erskine's triumph was extremely irritating. Scott and Mitford both maintained that Erskine's friends were the scum of the London rabble, and that he lowered the dignity of his profession by pandering to the passions of the vulgar. But they were well aware that Erskine was not an unprincipled demagogue, and that he had been dragged in triumph to Chancery Lane by a mob of gentlemen. "Erskine," wrote Lord Eldon in his old age, "was, of course, extremely popular. He was received with universal plaudits, and there was nothing to disturb his enjoyment of this contrast, or to soften any mortification, until one evening the multitude, which had thought proper to take his horses from his carriage that they might draw him home, conceived among them such a fancy for a patriot's horses as not to return them, but to keep them for their own use and benefit." The malice of this story is exquisite.

Lord Eldon was a bad rider and an inexpert whip. Even William Henry Scott, that pattern of an admiring and dutiful son, used to laugh at the great Chancellor's maladroitness in all matters pertaining to horse-flesh. With much glee and agreeable egotism, Lord Campbell tells the following story of Eldon and his favourite child:—"They were walking together in Piccadilly when a gentleman, driving past them in a smart cabriolet (with a *tiger* behind), took off his hat and made a low bow. 'Who is that,' said Lord Eldon, 'who treats me with respect now that I am nobody?' 'Why, sir,' said William Henry, 'that is Sir John Campbell, the Whig Solicitor-General.' 'I wonder what they would have said of me,' cried the ex-

Chancellor, 'if I had driven about in a cabriolet when I was Solicitor-General!' 'I will tell you what they would have said, dear father,' replied William Henry; 'they would have said, there goes the greatest *lawyer* and worst *whip* in England.'"

Clumsy and inefficient in all field-sports, Lord Eldon used to laugh at his own deficiencies with respect to the accomplishments most in vogue with the country gentlemen of his time. This good-humour was the more creditable as he enjoyed playing the part of a rural squire, and took great though bootless pains to qualify himself with skill as well as license to kill the game which he preserved on his estate at considerable cost. As long as he could relish bodily exercise he carried a gun; but he never ventured to ride with hounds, after reaching years of sound discretion. In the copious garrulity of his closing years he used to say, "I left off hunting because I had a fall one day when in full cry on Newcastle Moor. I wished to clear a broad and deep ditch, but my horse fell in and I tumbled over him, when there was a great chance of my being presided over by the coroner, instead of presiding over the House of Lords. Since then I have trusted to *wheels*, and, above all, to *my own legs*." This accident occurred in his boyhood.

But though he desisted from following the hounds, he was not slow to follow a pretty girl on horseback. A mounted lover, he enjoyed many a stolen interview with Bessie Surtees on the Shields high-road, where the young lady was accustomed to ride, followed by an old groom, who was bribed to secresy by the comely young Oxonian.

Having in the saddle won Bessie's promise to be his wife, he continued a horseman so far that, during his connexion with the Northern Circuit, he steadily rode the grand tour. One of his favourite anecdotes referred to his first excursion with the circuiteers. Having described with the imaginative touches which always characterized his personal reminiscences, the efforts it cost him to procure horses and equipment for the journey, he used to continue:—"At last I hired a horse for myself, and borrowed another for an experienced youth, who was to ride behind me with my saddle-bags. But I thought my chance was gone; for having been engaged in a discussion with a travelling companion, on approaching

the assize-town I looked behind, but there was no appearance of my clerk, and I was obliged to ride back several miles, till I found him crying by the road-side, his horse at some distance from him, and the saddle-bags still farther off, and it was not without great difficulty that I could accomplish the reunion, which he had in vain attempted. *Had I failed, too, in this undertaking, I should never have been Lord Chancellor.*" The words here in italics are a fair specimen of the old peer's loose, incoherent, marvel-making talkativeness. How could this mishap, under any fairly probable circumstances, have influenced his professional career to the extent suggested? At worst he might have been too late for a cause, and lost a client at the next assize-town.

As soon as carriages were generally adopted, public men deemed it prudent, and the wealthy thought it pleasant, to dazzle and awe the vulgar with splendid and pompous equipages. A peer, or powerful courtier on his travels, was recognised by his costly coach, its six or eight powerful horses, his company of running footmen, and his armed outriders. In the weakness and decrepitude of venerable age, the Feudal System set up its coach with characteristic magnificence. The baron riding forth to battle at the head of his trusty knights was only by one degree a more impressive spectacle than the baron in his wheeled house, travelling along that "Queen's Highway," of which Mr. Hayllar sent so lively a picture to the Exhibition of 1864. As with horses, so also with chariots, the lawyers maintained the dignity of their order, and until ostentatious equipages went out of fashion the chief dignitaries of the bench and the leaders of the bar rivalled the ancient nobility in the grandeur and state of their progresses.

Whilst Dudley Ryder (afterwards Chief Justice Ryder) was Attorney General he wa accustomed to journey between his house in Chancery Lane and his villa at Streatham, in a coach-and-six, to the infinite delight of humble folk and the approval of his profession. The next hundred years brought about notable changes in social manners; and amongst them the general disuse of cumbrous coaches and needlessly expensive methods of travelling were by no means the least important. Congratulating himself on the altered taste, Lord Campbell

said, "When I was Attorney General I had the pleasure of travelling, when I chose, on the top of a stage-coach or in an omnibus—in which I met a ducal member of the cabinet." The period thus referred to must have been the interval between the Melbourne and Peel administrations, during which time the Duke of Wellington acted as provisional Premier, pending the return of Sir Robert Peel from Italy; and the ducal member alluded to was the Duke of Wellington—whose patrician sentiments did not forbid him to hail an omnibus and enter it in a public thoroughfare.

After Sir Dudley Ryder's sudden death, ere the order for his patent of nobility had been carried into effect, the family of the late Chief Justice had a misunderstanding with Sir Dudley's successor, Lord Mansfield, concerning the deceased judge's state-coach. The Chief's coach (like the Chancellor's coach up to the present time) customarily went with the office, the incoming judge paying the value of the carriage to his predecessor's estate. The sum to be paid was a matter of fresh agreement, on each transference of a coach. Unfortunately, Sir Dudley Ryder's son (the gentleman who, after a lapse of many years, won anew the rank to which his father had virtually attained at the moment of his death) differed with Murray as to the value of his father's vehicle; and on November 29, 1756, the new Chief wrote this scarcely courteous note to the future Lord Harrowby:—"Lord Mansfield is only solicitous that Mr. Ryder may do what is most agreeable to himself, and as to the rest is extremely indifferent. But he would not, for much more than the value of the coach, have more than one word about such a transaction with Mr. Ryder, for whom he has the greatest regard, and to whom, upon his father's account, he would be ready to show upon all occasions every act of civility and friendship."

Unlike Murray, who quitted his native land on the back of the pony that brought him to Westminster School, Alexander Wedderburn made the journey from Edinburgh to London in a public coach, which, a century since, was deemed a marvel of expedition. It reached London on the morning of the sixth day after its departure from the northern capital. In 1766, just about nine years after Wedderburn's hegira, a raw

Northumbrian lad entered the Newcastle coach, at the booking-office on Tyne-side, and travelled to the English metropolis in three nights and four days. This conveyance, instead of making speed its sole object, aimed at ensuring the safety of the traveller. "Sat cito, si sat bene," was the motto on its panels; and when the Newcastle stripling alighted at the White Horse, Fetter Lane, Holborn, his elder brother, William Scott (then fellow and tutor of University College, and subsequently Lord Stowell), shook him by the hand, and congratulated him on a punctual arrival at the antique hostelry. The motto of the coach took hold of the boy's mind; and having made fun of it during that first long journey, he moralized about it in his old age. One of his fellow-passengers on the road was an old Quaker, who, when the coach stopped at the inn at Tuxford, gave the maid-servant sixpence, reminding her that he owed it to her, having omitted to pay her that sum two years before. "Friend," asked the impudent boy, addressing the Quaker, "hast thou seen the motto on this coach?" On being answered in the negative, John Scott rejoined, "Then look at it, for I think that giving her only sixpence now, for all she did for you two years ago, is neither *sat cito* nor *sat bene*." Looking back over his long career of mischievous procrastination, the old Chancellor, with an irritating absence of remorse for cruel neglect of duty, observed, "In all that I have had to do in life, professional and judicial, I always remembered the admonition on the panels of the vehicle which carried me from school, '*Sat cito, si sat bene.*' It was the impression of this which made me that deliberative judge—as some have said, *too* deliberative—and reflection on all that is past will not authorize me to deny that whilst I have been thinking *sat cito, si sat bene*, I may not have sufficiently recollected whether *sat bene, si sat cito* has had its due influence."

Let notice be here taken of another eminently successful lawyer from the north country, John, Lord Campbell. Comparing his own first journey from Edinburgh to London with Wedderburn's journey in 1756, the author of the "Lives of the Chancellors" says, "When I first reached London, I performed the same journey in three nights and two days, Mr. Palmer's mail-coaches being then established; but this

swift travelling was considered dangerous as well as wonderful, and I was gravely advised to stop at York, 'as several passengers who had gone through without stopping had died of apoplexy from the rapidity of the motion.' The whole distance can now be accomplished with ease and safety in twelve hours, and intelligence may be communicated from the one capital to the other in as many seconds." The story runs that young John Campbell, then a raw, lean, awkward Scotch lad, on descending from the stage-coach, found himself in London with no more money in his pocket than three sixpences. Having paid his fare and tipped the coachman, having expended a modest sum on food and drink consumed upon the journey, he stood on the London pavement, enduring the pangs of sharp hunger, and rubbing the three small coins between his bony fingers. The town had friends ready to welcome him with cautious civility; but to them he could not look for a replenishment of his exhausted finances. There was need for prudence. Leaving his luggage at the booking-office, the young man (let us say "the lad," for the time was June, 1800, and he had not completed his nineteenth year) walked to the office of a daily newspaper, on which he had been invited to work as a reporter. "Was the place kept vacant for him? Was he secure of the promised employment? Would he at the close of the following week receive from the cashier of the office two sovereigns?" The answers were affirmative; and having received them with lively satisfaction, the enterprising youth ran to the nearest cook-shop, and devoured three sixpenny plates of beef. Had he not secured his appointment, he would have expended but a third of his remaining fund on that night's supper. So runs the story of John Campbell's first entrance into London,—a story which bears upon its face so many doubtful features and suspicious peculiarities, that this writer would be sorry to pledge his name for its truth.

From his first appearance in town, Alexander Wedderburn lived with ostentation. Until he raised himself to lucrative practice, he indulged in all the pleasures and pursuits of a fashionable Templar. His chambers were commodious and luxuriously furnished; in costume he challenged comparison with the smartest gallants of the town; and writers, wits, and

actors, with whom he consorted in taverns and coffee-rooms, never accused him of stinginess or poverty—qualities in those days too frequently attributed by popular prejudice to young Scotchmen who were neither indigent nor avaricious. That he resembled his countrymen in his dulness was the opinion of detractors; but no charge of pecuniary meanness was ever preferred against him. As soon as clients came, the ambitious Scotchman angled for more with the baits of increased ostentation and patrician style. On taking office as Solicitor General, he spent a year's income on a service of plate, and his horses were the admiration of London. Legal dignitaries had laid down their coaches-and-six; but Wedderburn's chariots, travelling carriages, and teams of two or four horses, surpassed those of many free-handed and opulent members of the high nobility. Whilst he held the seals he never drove through London without creating a stir by the costliness and perfect style of his equipages—consisting of two coaches built exactly on the same pattern, and each of them drawn by four superb steeds. During Erskine's brief chancellorship the dignity of the law was properly sustained by his stud and household, and by a grateful and liberal hospitality to the members of his party and his profession. But Eldon introduced a change for the worse. Under his supremacy, the Chancellor's private carriage was a miserable, battered, jingling, ramshackle coach, drawn by two lean, luckless brutes, that roused the derision of the street-boys. Frequently the Chancellor, purse in hand, drove from Bedford Square or Hamilton Place to Westminster in a hackney-coach; and on one occasion he actually left in a common hackney-carriage some state papers of high importance. Fortunately, the driver was either honest or drunk, and promptly restored the documents. But for this unseemly economy Lord Eldon had a precedent in the conduct of the penurious Kenyon, who made weekly trips to his desolate farm-house at Richmond in an antique coach, known on the Richmond road as the "Chief Justice's hearse." Of this dingy machine, the author of "The Clubs of London" gives the following picture:—"An old coach came rumbling along and overtook me on the road from London to Richmond. It was one of those vehicles that reminded me of a duke or marquis under the old *régime*

of France, rivalling in indigence and want the faded finery of his wardrobe. The coronet was scarcely discoverable, and its gildings were mouldy; yet it seemed tenacious of what little remained of its dignity, and unwilling to subside into a mere hackney-coach. I believe I might have looked rather wistfully at it (I was then a poor barrister, briefless and speechless, in the back rows of the court), when I perceived a head with a red night-cap suddenly pop out from the window, and heard myself addressed by name, with the offer of a cast to London. It was Lord Kenyon. He made the journey quite delightful by charming anecdotes of the bar in his own time—of Jack Lee, Wallace, Bower, Mingay, Howorth, the last of whom was drowned, he said, on a Sunday water-excursion, in the Thames. The good old man was evidently affected by the regrets which his name awakened, and they seemed the more poignant because his friend was called to his account in an act of profanation. 'But it was the sin of a good man,' he observed, 'and Sunday was the only day a lawyer in full business could spare for recreation.'"

But enough of horses and chariots. In the present generation at the opening of Michaelmas term, our legal dignitaries and queen's counsel drive in a long procession from the Chancellor's house to Westminster: but eminent lawyers are no longer remarkable for distinctive equipages, and fashion does not require them to lavish money on horse-dealers and coach-makers. Some of our foremost living judges and advocates are, however, honourably known in hunting counties. There is no need to mention the name of that sound lawyer and cunning speaker, the pride of his fellow-Irishmen and a chief of Conservative lawyers, who, throughout the season, devotes one day of each week to the invigorating sport of huntsmen. On Saturday, during the hunting season, no client raps at the door of his chambers, unless the country is hard-bound by frost: for it is known that for no professional consideration will . . . give up his "day with the hounds." Many readers of this page have doubtless seen the lawyer's pale, handsome face through the open window of a railway carriage, as clothed in pink he has been carried past them at express speed to the happy hunting grounds.

PART IV.—HOUSES AND HOUSEHOLDERS.

CHAPTER XX.

LADIES IN LAW COLLEGES.

A LAW-STUDENT of the present day finds it difficult to realize the brightness and domestic decency which characterized the Inns of Court in the sixteenth, seventeenth, and eighteenth centuries. Under existing circumstances women of character and social position avoid the gardens and terraces of Gray's Inn and the Temple. Against her wishes, and with much discomfort, a lady will still, on an emergency, seek the advice of her lawyer at his place of business; but if she is unattended, or has only a companion of her own sex, she draws a veil over her face on passing through the gate of his Inn, and does not breathe freely, till timid steps have borne her through dark passages, over quiet courts, and up uneven stairs to his chamber.

Attended by men, or protected by circumstances that guard them from impertinence and scandal, gentlewomen can without discomfort pass and repass the walls of our legal colleges; but in most cases a lady enters them under conditions that announce even to casual passers the object of her visit. In her carriage, during the later hours of the day, a barrister's wife may drive down the Middle Temple Lane, or through the gate of Lincoln's Inn, and wait in King's Bench Walk or New Square, until her husband, putting aside clients and papers, joins her for the homeward drive. But even thus placed, sitting in her carriage and guarded by servants, she usually prefers to fence off inquisitive eyes by a bonnet-veil, or the blinds of her carriage-windows. On Sunday, the wives and

daughters of gentle families brighten the dingy passages of the Temple and the sombre courts of Lincoln's Inn: for the musical services of the grand church and little chapel are amongst the religious entertainments of the town. To those choral celebrations ladies go, just as they are accustomed to enter any metropolitan church; and after service they can take a turn in the gardens of either Society without drawing upon themselves unpleasant attention. So also, unattended by men, ladies are permitted to inspect the floral exhibitions with which Mr. Broom, the Temple gardener, annually entertains London sightseers.

But, save on these and a few similar occasions, save under these and certain similar conditions, gentlewomen avoid an Inn of Court as they would a barrack-yard, unless they have secured the special attendance of at least one member of the society. The escort of a barrister or student alters the case. What barrister, young or old, cannot recall mirthful eyes that, with quick shyness, have turned away from his momentary notice, as in answer to the rustling of silk, or stirred by sympathetic consciousness of woman's noiseless presence, he has raised his face from a volume of reports, and seen two or three timorous girls peering through the golden haze of a London morning into the library of his Inn? What man, thus drawn away for thirty seconds from prosaic toil, has not in that half minute remembered the faces of happy rural homes, —has not recalled old days when his young pulses beat cordial welcome to similar intruders upon the stillness of the Bodleian, or the tranquil seclusion of Trinity library? What occupant of dreary chambers in the Temple, reading this page, cannot look back to a bright day when young, beautiful, and pure as sanctity, Lilian, or Kate, or Olive, entered his room radiant with smiles, delicate in attire, and musical with gleesome gossip about country neighbours and the life of a joyous home? Such a visitor to his bachelor quarters Thackeray glorified with the lines:—

> "'Tis a bandy-legged, high-shouldered, worm-eaten seat,
> With a creaking old back and twisted old feet;
> But since the fair morning when Fanny sate there,
> I bless thee and love thee, old cane-bottomed chair.

"If chairs have but feeling, in holding such charms,
A thrill must have pass'd through your wither'd old arms.
I look'd, and I long'd, and I wish'd in despair;
I wish'd myself turn'd to a cane-bottom'd chair.

"It was but a moment she sate in this place,
She'd a scarf on her neck and a smile on her face;
A smile on her face and a rose in her hair,
And she sate there and bloom'd in my cane-bottom'd chair.

"And so have I valued my chair ever since,
Like the shrine of a saint or the throne of a prince;
Sweet Fanny, my patroness sweet, I declare,
The queen of my heart and my cane-bottom'd chair.

"When the candles burn low, and the company's gone,
In the silence of night I sit here alone;—
I sit here alone, but we yet are a pair,
My Fanny I see in my cane-bottom'd chair.

"She comes from the past and revisits my room;
She looks as she then did, all beauty and bloom;
So smiling and tender, so fresh and so fair,
And yonder she sits in my cane-bottom'd chair."

Seldom does a Templar of the present generation receive so fair and innocent a visitor. To him the presence of a gentlewoman in his court is an occasion for ingenious conjecture; encountered on his staircase she is a cause of lively astonishment. His guests are men, more or less addicted to tobacco; his business callers are solicitors and their clerks; in his vestibule the masculine emissaries of tradesmen may sometimes be found—head-waiters from neighbouring taverns, pot-boys from the "Cock" and the "Rainbow." A printer's devil may from time to time knock at his door. But of women—such women as he would care to mention to his mother and sisters—he sees literally nothing in his dusty, ill-ordered, but not comfortless rooms. He has a laundress, one of a class on whom contemporary satire has been rather too severe.

Feminine life of another sort lurks in the hidden places of the law colleges, shunning the gaze of strangers by daylight; and even when it creeps about under cover of night, trembling with a sense of its own incurable shame. But of this sad life, the bare thought of which sends a shivering through the

frame of every man whom God has blessed with a peaceful home and wholesome associations, nothing shall be said in this page.

In past time the life of the law-colleges was very different in this respect. When they ceased to be ecclesiastics, and fixed themselves in the hospices which soon after the reception of their gowned tenants were styled Inns of Courts, our lawyers took unto themselves wives, who were both fair and discreet. And having so made women flesh of their flesh and bone of their bone, they brought them to homes within the immediate vicinity of their collegiate walls, and sometimes within the walls themselves. Those who would appreciate the life of the Inns in past centuries, and indeed in times within the memory of living men, should bear this in mind. When he was not on circuit, many a counsellor learned in the law found the pleasures not less than the business of his existence within the bounds of his "honourable society." In the fullest sense of the words he took his ease in his Inn; besides being his workshop, where clients flocked to him for advice, it was his club, his place of pastime, and the shrine of his domestic affections. In this generation a successful Chancery barrister, or Equity draftsman, looks upon Lincoln's Inn merely as a place of business, where at a prodigious rent he holds a set of rooms in which he labours over cases, and satisfies the demands of clients and pupils. A century or two centuries since the case was often widely different. The rising barrister brought his bride in triumph to his "chambers," and in them she received the friends who hurried to congratulate her on her new honours. In those rooms she dispensed graceful hospitality, and watched her husband's toils. The elder of her children first saw the light in those narrow quarters; and frequently the lawyer over his papers was disturbed by the uproar of his heir in an adjoining room.

Young wives, the mistresses of roomy houses in the western quarters of town, shudder as they imagine the discomforts which these young wives of other days must have endured. "What! live in chambers?" they exclaim with astonishment and horror, recalling the smallness and cheerless aspect of their husbands' business chambers. But past usages must not

be hastily condemned,—allowance must be made for the fact that our ancestors set no very high price on the luxuries of elbow-room and breathing-room. Families in opulent circumstances were wont to dwell happily, and receive whole regiments of jovial visitors in little houses nigh the Strand and Fleet Street, Ludgate Hill and Cheapside;—houses hidden in narrow passages and sombre courts—houses, compared with which the lowliest residences in a "genteel suburb" of our own time would appear capacious mansions. Moreover, it must be borne in mind that the married barrister, living a century since with his wife in chambers—either within or hard-by an Inn of Court—was, at a comparatively low rent, the occupant of far more ample quarters than those for which a working barrister now-a-days pays a preposterous sum. Such a man was tenant of a "set of rooms" (several rooms, although called "a chamber") which, under the present system, accommodates a small colony of industrious "juniors" with one office and a clerk's room attached. Married ladies, who have lived in Paris or Vienna, in the "old town" of Edinburgh, or Victoria-Street, Westminster, need no assurance that life "on a flat" is not an altogether deplorable state of existence. The young couple in chambers had six rooms at their disposal,—a chamber for business, a parlour, not unfrequently a drawing-room, and a trim, compact little kitchen. Sometimes they had two "sets of rooms," one above another; in which case the young wife could have her bridesmaids to stay with her, or could offer a bed to a friend from the country. Occasionally during the last fifty years of the last century, they were so fortunate as to get possession of a small detached house, originally built by a nervous bencher, who disliked the sound of footsteps on the stairs outside his door. Time was when the Inns comprised numerous detached houses, some of them snug dwellings, and others imposing mansions, wherein great dignitaries lived with proper ostentation. Most of them have been pulled down, and their sites covered with collegiate "buildings;" but a few of them still remain, the grand piles having long since been partitioned off into chambers, and the little houses striking the eye as quaint, misplaced, insignificant blocks of human habitation. Under the

trees of Gray's Inn Gardens may be seen two modest tenements, each of them comprising some six or eight rooms and a vestibule. At the present time they are occupied as offices by legal practitioners, and many a day has passed since womanly taste decorated their windows with flowers and muslin curtains; but a certain venerable gentleman, to whom the writer of this page is indebted for much information about the lawyers of the last century, can remember when each of those cottages was inhabited by a barrister, his young wife, and three or four lovely children.

Into some such a house near Lincoln's Inn a young lawyer who was destined to hold the seals for many years, and be also the father of a Lord Chancellor, married in the year of our Lord 1718. His name was Philip Yorke: and though he was of humble birth, he had made such a figure in his profession that great men's doors were open to him. He was asked to dinner by learned judges, and invited to balls by their ladies. In Chancery Lane, at the house of Sir Joseph Jekyll, Master of the Rolls, he met Mrs. Lygon, a beauteous and wealthy widow, whose father was a country squire, and whose mother was the sister of the great Lord Somers. In fact, she was a lady of such birth, position, and jointure, that the young lawyer—rising man though he was—seemed a poor match for her. The lady's family thought so; and if Sir Joseph Jekyll had not cordially supported the suitor with a letter of recommendation, her father would have rejected him as a man too humble in rank and fortune. Having won the lady and married her, Mr. Philip Yorke brought her home to a "very small house" near Lincoln's Inn; and in that lowly dwelling, the ground-floor of which was the barrister's office, they spent the first years of their wedded life. What would be said of the rising barrister who, now-a-days, on his marriage with a rich squire's rich daughter and a peer's niece, should propose to set up his household gods in a tiny crib just outside Lincoln's Inn gate, and to use the parlour of the "very small house" for professional purposes? Far from being guilty of unseemly parsimony in this arrangement, Philip Yorke paid proper consideration to his wife's social advantages in taking her to a separate house. His contemporaries amongst the

junior bar would have felt no astonishment if he had fitted up a set of chambers for his wealthy and well-descended bride. Not merely in his day, but for long years afterwards, lawyers of gentle birth and comfortable means, who married women scarcely if at all inferior to Mrs. Yorke in social condition, lived upon the flats of Lincoln's Inn and the Temple.

CHAPTER XXI.

THE LAST OF THE LADIES.

WHATEVER its drawbacks, the system which encouraged the young barrister to marry on a modest income, and make his wife happy "in chambers," must have had special advantages. In their Inn the husband was near every source of diversion for which he greatly cared, and the wife was surrounded by the friends of either sex in whose society she took most pleasure—friends who, like herself, "lived in the Inn," or in one of the immediately adjacent streets. In "hall" he dined and drank wine with his professional compeers and the wits of the bar: the "library" supplied him not only with law-books, but with poems and dramas, with merry trifles written for the stage, and satires fresh from the Row; "the chapel"—or, if he were a Templar, "the church"—was his habitual place of worship, where there were sittings for his wife and children as well as for himself; on the walks and under the shady trees of "the garden," he sauntered with his own or, better still, a friend's wife, criticising the passers, describing the new comedy, or talking over the last ball given by a judge's lady. At times those gardens were pervaded by the calm of collegiate seclusion, but on "open days" they were brisk with life. The women and children of the legal colony walked in them daily; the ladies attired in their newest fashions, and the children running with musical riot over lawns and paths. Nor were the grounds mere places of resort for lawyers and their families. Taking rank amongst the pleasant places of the metropolis, they attracted, on "open days," crowds from every quarter of the town—ladies and gallants from Soho Square and St. James's Street, from Whitehall and Westminster; sightseers from the country and

gorgeous alderwomanic dowagers from Cheapside. From the days of Elizabeth till the middle, indeed till the close, of the eighteenth century the ornamental grounds of the four great Inns were places of fashionable promenade, where the rank and talent and beauty of the town assembled for display and exercise, even as in our own time they assemble (less universally) in Hyde Park and Kensington Gardens.

When ladies and children had withdrawn, the quietude of the gardens lured from their chambers scholars and poets, who under murmuring branches pondered the results of past study, or planned new works. Ben Jonson was accustomed to saunter beneath the elms of Lincoln's Inn; and Steele—alike on "open" and "close" days—used to frequent the gardens of the same society. "I went," he writes in May, 1709, "into Lincoln's Inn Walks, and having taken a round or two, I sat down, according to the allowed familiarity of these places, on a bench." In the following November he alludes to the privilege that he enjoyed of walking there as "a favour that is indulged me by several of the benchers, who are very intimate friends, and grown old in the neighbourhood."

But though on certain days, and under fixed regulations, the outside public were admitted to the college gardens, the assemblages were always pervaded by the tone and humour of the law. The courtiers and grand ladies from "the west" felt themselves the guests of the lawyers; and the humbler folk, who by special grant had acquired the privilege of entry, or whose decent attire and aspect satisfied the janitors of their respectability, moved about with watchfulness and gravity, surveying the counsellors and their ladies with admiring eyes, and extolling the benchers whose benevolence permitted simple tradespeople to take the air side by side with "the quality." In 1736, James Ralph, in his "New Critical Review of the Publick Buildings," wrote about the square and gardens of Lincoln's Inn in a manner which testifies to the respectful gratitude of the public for the liberality which permitted all outwardly decent persons to walk in the grounds. "Lincoln's Inn," he says, "may reasonably boast of one of the neatest squares in the town; and though 'tis imperfect on one side, yet that very defect produces a beauty, by giving a prospect to

the gardens, which fill the place to abundantly more advantage. I may safely add that no area anywhere is kept in better order, either for cleanliness and beauty by day, or illumination by night; the fountain in the middle is a very pretty decoration, and if it was still kept playing, as it was some years ago, 'twould preserve its name with more propriety." In his remarks on the chapel the guide observes, "The raising this chapel on pillars affords a pleasing, melancholy walk underneath, and by night, particularly, when illuminated by the lamps, it has an effect that may be felt, but not described." Of the gardens Mr. Ralph could not speak in high praise, for they were ill-arranged and not so carefully kept as the square; but he observes, "they are convenient; and considering their situation cannot be esteemed too much. There is something hospitable in laying them open to publick use; and while we share in their pleasures, we have no title to arraign their taste."

The chief attraction of Lincoln's Inn gardens, apart from its beautiful trees, was for many years the terrace overlooking "the Fields," which was made *temp.* Car. II. at the cost of nearly 1000*l.* Dugdale, speaking of the recent improvements of the Inn, says, "And the last was the enlargement of their garden, beautifying with a large tarras walk on the west side thereof, and raising the wall higher towards Lincoln's Inne Fields. Which was done in An. 1663 (15 Car. II.), the charge thereof amounting to little less than a thousand pounds, by reason that the levelling of most part of the ground, and raising the tarras, required such great labour." A portion of this terrace, and some of the old trees, were destroyed to make room for the new dining-hall.

The old system supplied the barrister with other sources of recreation. Within a stone's throw of his residence was the hotel where his club had its weekly meeting. Either in hall, or with his family, or at a tavern near "the courts," it was his use, until a comparatively recent date, to dine in the middle of the day, and work again after the meal. Courts sate after dinner as well as before; and it was observable that counsellors spoke far better when they were full of wine and venison than when they stated the case in the earlier part of

the day. But in the evening the system told especially in the barrister's favour. All his many friends lying within a small circle he had an abundance of congenial society. Brother-circuiteers came to his wife's drawing-room for tea and chat, coffee and cards. There was a substantial supper at half-past eight or nine for such guests (supper cooked in my lady's little kitchen, or supplied by the "Society's cook"); and the smoking dishes were accompanied by foaming tankards of ale or porter, and followed by superb and richly aromatic bowls of punch. On occasions when the learned man worked hard and shut out visitors by sporting his oak, he enjoyed privacy as unbroken and complete as that of any library in Kensington or Tyburnia. If friends stayed away, and he wished for diversion, he could run in to the chambers of his old college-chums, or with his wife's gracious permission could spend an hour at Chatelin's or Nando's, or any other coffee-house in vogue with members of his profession. During festive seasons, when the judges' and leaders' ladies gave their grand balls, the young couple needed no carriage for visiting purposes. From Gray's Inn to the Temple they walked—if the weather was fine. When it rained they hailed a hackney-coach, or my lady was popped into a sedan and carried by running bearers to the frolic of the hour.

Of course the notes of the preceding paragraphs of this chapter are but suggestions as to the mode in which the artistic reader must call up the life of the old lawyers. Encouraging him to realize the manners and usages of several centuries, not of a single generation, they do not attempt to entertain the student with details. It is needless to say that the young couple did not use hackney-coaches in times prior to the introduction of those serviceable vehicles, and that until sedans were invented my lady never used them.

Occasionally a barrister entertained his mother, as an habitual resident in his chambers. Giving the particulars of a cause tried in the Common Pleas before his brother, Dudley North says, "Once a cook brought an action against one Mr. Grant, of the Inner Temple, for diet delivered in his chamber. This Grant had a brother and mother; and they dieted together in his chamber. At the trial, the defence was that the

other brother, by agreement, was the housekeeper, and was to pay for the provisions; the rest did but diet with him; and the mother was witness to prove it; so the cook had mistaken his customer. But his lordship was of opinion that the owner of the chambers was the housekeeper as to all foreigners, who look upon and trust the visible owner, whatever the agreements may be among themselves."

The authorities of the Inns regarded with much distrust and aversion residents who were not members of the hostel in which they dwelt. The presence of many "foreigners" made the students idle; the strange men were often objectionable characters—debtors or political malcontents lying in concealment from their creditors or from constables; the strange women were often equally unfit inmates for a well-ordered college. The records of the Inns contain numerous orders against the entertainment of lodgers. In 36 Eliz. it was ordered that no members of the Inner Temple "should admit any person to lodge in their chambers, except their known clerks and servants, under pain of xl*s.* to the use of the House." The crown, amongst frequent directions for the better government of the Inns, opposed the entertainment of lodgers. The order made (15 Ap. 6 Car. I.) by the Lord Keeper and the judges of the three courts, contains the following passage:—"For that the institution of these societies were ordained chiefly for the profession of the law; and in a second degree for the education of the sons and youth of riper years of the nobility and gentry of the realm; and in no sort for lodging or abode of gentlemen of the country; which, if it should be suffered, would be a disparaging of the same societies, and to turn them from *Hospitia* to *Diversoria*, it is ordered, that no knight or gentleman, foreigners or discontinuers, or others not of the societies, shall be admitted or allowed to lodge in any of the houses aforesaid."

It is possible, indeed it is certain, that married ladies living in chambers occasionally had for neighbours on the same staircase women whom they regarded with abhorrence. Sometimes it happened that a dissolute barrister introduced to his rooms a woman more beautiful than virtuous, whom he had not married, though he called her his wife. People can no more

choose their neighbours in a house broken up into sets of chambers, than they can choose them in a street. But the cases where ladies were daily liable to meet an offensive neighbour on their common staircase were comparatively rare; and when the annoyance actually occurred, the discipline of the Inn afforded a remedy. Whilst the Inns were habitually frequented by the wives and daughters of gentlemen, men of honour and unprincipled men prudent enough to make profession of honourable feeling, were slow to insult the delicacy of ladies, and to outrage social decorum by introducing objectionable women to their quarters. The vicious were too prudent to flaunt their vices before the world. Moreover, the government of the societies was much stricter in past time than it has been in the present century. Immoral members were reproved and punished; and objectionable inmates were cast without the college walls.

Uncleanness lurked within the camp, but it veiled its face; and though in rare cases the error and sin of a powerful lawyer may have been notorious, the peccant man was careful to surround himself with such an appearance of respectability that society could easily feign ignorance of his offence. An Elizabethan distich—familiar to all barristers, but too rudely worded for insertion in this page—informs us that in the sixteenth century Gray's Inn had an unenviable notoriety amongst legal hospices for the shamelessness of its female inmates. But the pungent lines must be regarded as a satire aimed at certain exceptional members, rather than as a vivacious picture of the general tone of morals in the society. Anyhow the fact that Gray's Inn* was alone designated as a home for infamy—whilst the Inner Temple was pointed to as the hospice most popular with rich men, the Middle Temple as the society frequented

* The scandalous state of Gray's Inn at this period is shown by the following passage in Dugdale's "Origines:"—"In 23 Eliz. (30 Jan.) there was an order made that no laundress, nor women called Victuallers, should thenceforth come into the gentlemen's chambers of this society, until they were full forty years of age, and not send their maid-servants, of what age soever, into the said gentlemen's chambers, upon penalty, for the first offence of him that should admit of any such, to be put out of Commons; and for the second, to be expelled the House." The stringency and severity of this order show a determination on the part of the authorities to cure the evil.

by Templars of narrow means, and Lincoln's Inn as the abode of gentlemen—is, of itself, a proof that the prevailing manners of the last three institutions were outwardly decorous. Under the least favourable circumstances, a barrister's wife living in chambers, within or near Lincoln's Inn, or the Temple, during Charles II.'s reign, fared as well in this respect as she would have done had Fortune made her a lady-in-waiting at Whitehall. And be it remembered, that even in that court there was a greater appearance of morality than readers imagine who have derived their knowledge of the "merry" monarch's palace altogether from Pepys and Evelyn and scandalous memoirs.*

A good story is told of certain visits paid to William Murray's chambers at No. 5, King's Bench Walk, Temple, in the year 1738. Born in 1705, Murray was still a young man, when in 1738 he made his brilliant speech in behalf of Colonel Sloper, against whom Colley Cibber's rascally son had brought an action for *crim. con.* with his wife—the lovely actress who on the stage was the rival of Mrs. Clive, and in private life was remarkable for immorality and fascinating manner. Amongst the many clients who were drawn to Murray by that speech, Sarah, Duchess of Marlborough, was neither the least powerful nor the least distinguished. Her grace began by sending the rising advocate a general retainer, with a fee of a thousand guineas; of which sum he accepted only the two-hundredth part, explaining to the astonished duchess that "the

* When Dr. John North, subsequently Master of Trinity, Cambridge, officiated as clerk of the closet to Charles II., he acted as confessor to "divers persons, far from Papists, especially ladies, who thought auricular confession, though no duty, a pious practice." These penitents habitually attended the court; and his intercourse with them caused the divine to maintain in later years "that, for the number of persons that resided in the court, a place reputed a centre of all vice and irreligion, he thought there were as many truly pious, and strictly religious, as could be found in any other resort whatsoever." Roger North, who thus states his brother's opinion, continues, "And he never saw so much fervent devotion, and such frequent acts of piety and charity, as his station gave him occasion to observe there. It often falls out that extremes are conterminous, and as contraries illustrate each other, so here virtue and vice. Therefore it is not reasonable to condemn aggregates of any denomination, or the individuals separately, for the practices of some, although these may be the ruling party amongst them." Of course it should be borne in mind that John North was not a resident at Charles's court during its most open infamy, and that Roger systematically glosses the evil of the Stuarts. But when liberal allowance has been made for these facts, the biographer's testimony is noteworthy.

professional fee, with a general retainer, could neither be less nor more than five guineas." If Murray had accepted the whole sum he would not have been overpaid for his trouble; for her grace persecuted him with calls at most unseasonable hours. On one occasion, returning to his chambers after "drinking champagne with the wits," he found the duchess's carriage and attendants on King's Bench Walk. A numerous crowd of footmen and link-bearers surrounded the coach; and when the barrister entered his chambers he encountered the mistress of that army of lackeys. "Young man," exclaimed the grand lady, eyeing the future Lord Mansfield with a look of warm displeasure, "if you mean to rise in the world, you must not sup out." On a subsequent night Sarah of Marlborough called without appointment at the chambers, and waited till past midnight in the hope that she would see the lawyer ere she went to bed. But Murray being at an unusually late supper-party, he did not return till her grace had departed in an overpowering rage. "I could not make out, sir, who she was," said Murray's clerk, describing her grace's appearance and manner, "for she would not tell me her name; *but she swore so dreadfully that I am sure she must be a lady of quality.*"

Perhaps the Inns of Court may still shelter a few married ladies, who either from love of old-world ways, or from stern necessity, consent to dwell in their husbands' chambers. If such ladies can at the present time be found, the writer of this page would look for them in Gray's Inn—that straggling caravansary for the reception of money-lenders, Bohemians, and eccentric gentlemen—rather than in the other three Inns of Court, which have undoubtedly quite lost their old population of lady-residents. But from those three hospices the last of the ladies must have retreated at a comparatively recent date. Fifteen years since, when the writer of this book was a beardless undergraduate, he had the honour of knowing some married ladies, of good family and unblemished repute, who lived with their husbands in the Middle Temple. One of these ladies—the daughter of a county magistrate, the sister of a distinguished classic scholar—was the wife of a common law barrister who now holds a judicial appointment in one of our colonies. The women of her old home circle occasionally called

on this young wife; but as they could not reach her quarters in Sycamore Court without attracting much unpleasant observation, their visits were not frequent. Sometimes weeks followed each other in which the solitary lady, planted in the midst of a colony of bachelors, saw no companions of her own social condition, with the exception of men. When her husband was on his circuit her life must have been dreary and monotonous, and doubtless her position at all times tried her spirits and singularly amiable temper. But her countenance was not less cheerful than lovely. With womanly art she gave her husband's chambers that freshness and tasteful appearance which the rooms of a bachelor seldom possess; and nightly, when her husband was in town, two or three of his familiar friends assembled to hear her sing and play on the piano with exquisite feeling and ability. Living in a barrack of unwed men, that charming girl was surrounded by honest fellows who would have resented as an insult to themselves an impertinence offered to her. Still her life was abnormal, unnatural, deleterious; it was felt by all who cared for her that she ought not to be where she was; and when an appointment with a good income in a healthy and thriving colony was offered to her husband, all who knew her, and many who had never spoken to her, rejoiced at the intelligence. At the present time, in the far distant country which looks up to her as a personage of importance, this lady—not less exemplary as wife and mother than brilliant as a woman of society—takes pleasure in recalling the days when she was a prisoner in the Temple. Is there need to add that this writer would not have thus alluded to her experiences, if she had not given him authority —ay, more, if she had not *requested him*—to do so?

One of the last cases of married life in the Temple, that came before the public notice, was that of a barrister and his wife who incurred obloquy and punishment for their brutal conduct to a poor servant girl. No one would thank the writer for republishing the details of that nauseous illustration of the degradation to which it is possible for a gentleman and scholar to sink. But, however revolting, the case is not without interest for the reader who is curious about the social life of the Temple.

The portion of the Temple in which the old-world family life of the Inns held out the longest, is a clump of commodious houses lying between the Middle Temple Garden and Essex Street, Strand. Having their entrance-doors in Essex Street, these houses are, in fact, as private as the residences of any London quarter. The noise of the Strand reaches them, but their occupants are as secure from the impertinent gaze or unwelcome familiarities of law-students and barristers' clerks, as they would be if they lived at St. John's Wood. In Essex Street, on the eastern side, the legal families maintained their ground almost till yesterday. Fifteen years since the writer of this page used to be invited to dinners and dances in that street—dinners and dances which were attended by prosperous gentlefolk from the West End of the town. At that time he often waltzed in a drawing-room, the windows of which looked upon the spray of the fountain—at which Ruth Pinch loved to gaze when its jet resembled a wagoner's whip. How all old and precious things pass away! The dear old "wagoner's whip" has been replaced by a pert, perky squirt that will never stir the heart or brain of a future Ruth.

CHAPTER XXII.

YORK HOUSE AND POWIS HOUSE.

WHILST the great body of lawyers dwelt in or hard by the Inns, the dignitaries of the judicial bench, and the more eminent members of the bar, had suitable palaces or mansions at greater or less distances from the legal hostelries. The ecclesiastical Chancellors usually enjoyed episcopal or archiepiscopal rank, and lived in the London palaces attached to their sees or provinces. During his tenure of the seals, Morton, Bishop of Ely, years before he succeeded to the archbishopric of Canterbury, and received the honours of the Cardinalate, grew strawberries in his garden on Holborn Hill, and lived in the palace surrounded by that garden. As Archbishop of Canterbury, Chancellor Warham maintained at Lambeth Palace the imposing state commemorated by Erasmus.

When Wolsey made his first progress to the Court of Chancery in Westminster Hall, a progress already noticed in these pages, he started from the archiepiscopal palace, York House or Place—an official residence sold by the cardinal to Henry VIII. some years later; and when the same superb ecclesiastic, towards the close of his career, went on the memorable embassy to France, he set out from his palace at Westminster, "passing through all London over London Bridge, having before him of gentlemen a great number, three in rank in black velvet livery coats, and the most of them with great chains of gold about their necks."*

* Cavendish continues: "And all his yeomen, with noblemen's and gentlemen's servants following him in French tawny livery coats; having embroidered on the backs and breasts of the said coats the letters T.C. under the cardinal's hat. His sumpter mules, which were twenty in number and more, with his carts and other carriages of his train, were passed on before him, conducted and guarded with a great number of bows and spears. He rode like a cardinal, very sumptuously, on a

At later dates Gardyner, whilst he held the seals, kept his numerous household at Winchester House in Southwark; and Williams, the last clerical Lord Keeper, lived at the Deanery, Westminster.

The lay Chancellors also maintained costly and pompous establishments, apart from the Inns of Court. Sir Thomas More's house stood in the country, flanked by a garden and farm, in the cultivation of which ground the Chancellor found one of his chief sources of amusement. In Aldgate, Lord Chancellor Audley built his town mansion, on the site of the Priory of the Canons of the Holy Trinity of Christ Church. Wriothesley dwelt in Holborn at the height of his unsteady fortunes, and at the time of his death the infamous but singularly lucky Rich lived in Great St. Bartholomew's, and from his mansion there wrote to the Duke of Northumberland, imploring that messengers might be sent to him to relieve him of the perilous trust of the Great Seal. Christopher Hatton wrested from the see of Ely the site in Holborn, whereon he built his magnificent palace. The reluctance with which the Bishop of Ely surrendered the ground, and the imperious letter by which Elizabeth compelled the prelate to comply with the wish of her favourite courtier, form one of the humorous episodes of that queen's reign. Hatton House rose over the soil which had yielded strawberries to Morton; and of that house—where the dancing Chancellor received Elizabeth as a visitor, and in which he died of "diabetes *and* grief of mind" —the memory is preserved by Hatton Garden, the name of the street where some of our wealthiest jewellers and gold assayers have places of business.

Public convenience had long suggested the expediency of establishing a permanent residence for the Chancellors of England, when either by successive expressions of the royal will, or by the individual choice of several successive holders of the *Clavis Regni*, a noble palace on the northern bank of the

mule trapped with crimson velvet upon velvet, and his stirrups of copper and gilt, and his spare mule following him with like apparel. And before him he had his two great crosses of silver, two great pillars of silver, the Great Seal of England, his cardinal's hat, and a gentleman that carried his valaunce, which was made altogether of fine scarlet cloth, embroidered over and over with cloth of gold very richly, having in it a cloak of fine scarlet."

Thames came to be regarded as the proper domicile for the Great Seal. York House, memorable as the birthplace of Francis Bacon, and the scene of his brightest social splendour, demands a brief notice. Wolsey's "York House" or Whitehall having passed from the province of York to the crown, Nicholas Heath, Archbishop of York, established himself in another York House on a site lying between the Strand and the river. In this palace (formerly leased to the see of Norwich as a bishop's Inn, and subsequently conferred on Charles Brandon by Henry VIII.) Heath resided during his Chancellorship; and when, in consequence of his refusal to take the oath of supremacy, Elizabeth deprived him of his archbishopric, York House passed into the hands of her new Lord Keeper, Sir Nicholas Bacon. On succeeding to the honours of the Marble Chair, Hatton did not move from Holborn to the Strand; but otherwise all the holders of the Great Seal, from Heath to Francis Bacon inclusive, seem to have occupied York House; Heath, of course, using it by right as Archbishop of York, and the others holding it under leases granted by successive archbishops of the northern province. So little is known of Bromley, apart from the course which he took towards Mary of Scotland, that the memory of old York House gains nothing of interest from him. Indeed it has been questioned whether he was one of its tenants. Puckering, Egerton, and Francis Bacon certainly inhabited it in succession. On Bacon's fall it was granted to Buckingham, whose desire to possess the picturesque palace was one of the motives which impelled him to blacken the great lawyer's reputation. Seized by the Long Parliament, it was granted to Lord Fairfax. In the following generation it passed into the hands of the second Duke of Buckingham, who sold house and precinct for building-ground. The bad memory of the man who thus for gold surrendered a spot of earth sacred to every scholarly Englishman is preserved in the names of *George* Street, *Duke* Street, *Villiers* Street, *Buckingham* Street.

Sketching the earlier vicissitudes of this house, Mr. Hepworth Dixon, in "The Story of Lord Bacon's Life," says, "The story of York House had been that of the great contest between ecclesiastical and lay society. In ancient times,

when the crown was under clerical rule, that house had been leased to the see of Norwich for a bishop's Inn; when the Church fell into trouble, William Rugge had restored it to the crown. King Harry had then given a place, which he thought too sumptuous for a prelate, to the gay Charles Brandon, lover and husband of his beautiful sister Mary, the Queen of France. When the Church rose again, on the accession of Mary, it had gone to her Roman Catholic Lord Chancellor and Archbishop of York, Nicholas Heath. On the fall of that minister it had passed by lease to Sir Nicholas Bacon, his lay successor to the seals." The engravings commonly sold as pictures of this interesting feature of Elizabethan London are likenesses of the building after it was pulled about, diminished, and modernized, and in no way whatever represent the architecture of the original edifice. Amongst the art-treasures of the University of Oxford, Mr. Hepworth Dixon fortunately found a rough sketch of the real house, from which sketch Mr. E. M. Ward drew the vignette that embellishes the title-page of "The Story of Lord Bacon's Life."

After the expulsion of the Great Seal from old York House, it wandered from house to house, manifesting, however, in its selections of London quarters a preference for the grand line of thoroughfare between Charing Cross and the foot of Ludgate Hill. Escaping from the Westminster Deanery, where Williams kept it in a box, the *Clavis Regni* inhabited Durham House, Strand, whilst under Lord Keeper Coventry's care. Lord Keeper Littleton, until he made his famous ride from London to York, lived in Exeter House. Clarendon resided in Dorset House, Salisbury Court, Fleet Street, and subsequently in Worcester House, Strand, before he removed to the magnificent palace which roused the indignation of the public in St. James's Street. The greater and happier part of his official life was passed in Worcester House. There he held councils in his bed-room when he was laid up with gout; there King Charles visited him familiarly, even condescending to be present at the bedside councils: and there he was established when the Great Fire of London caused him, in a panic, to send his most valuable furniture to his Villa at Twickenham. Thanet House, Aldersgate Street, is the resi-

dence with which Shaftesbury, the politician, is most generally associated; but whilst he was Lord Chancellor he occupied Exeter House, Strand, formerly the abode of Keeper Littleton. Lord Nottingham slept with the seals under his pillow in Great Queen Street, Lincoln's Inn Fields, the same street in which his successor, Lord Guildford, had the establishment so racily described by his brother Roger North. And Lord Jeffreys moving westward, gave noisy dinners in Duke Street, Westminster, where he opened a court-house that was afterwards consecrated as a place of worship, and is still known as the Duke Street Chapel. Says Pennant, describing the Chancellor's residence, "It is easily known by a large flight of stone steps, which his royal master permitted to be made into the park adjacent for the accommodation of his lordship. These steps terminate above in a small court, on three sides of which stands the house." The steps still remain, but their history is unknown to many of the habitual frequenters of the chapel. After Jeffreys' fall the spacious and imposing mansion, where the *bon-vivants* of the bar used to drink inordinately with the wits and buffoons of the London theatres, was occupied by Government; and there the Lords of the Admiralty had their offices until they moved to their quarters opposite Scotland Yard. Narcissus Luttrell's Diary contains the following entry: —"April 23, 1690. The late Lord Chancellor's house at Westminster is taken for the Lords of the Admiralty to keep the Admiralty Office at."

William III., wishing to fix the holders of the Great Seal in a permanent official home, selected Powis House (more generally known by the name of Newcastle House), in Lincoln's Inn Fields, as a residence for Somers and future Chancellors. The Treasury minute books preserve an entry of September 11, 1696, directing a Privy Seal to "discharge the process for the appraised value of the house, and to declare the king's pleasure that the Lord Keeper or Lord Chancellor for the time being should have and enjoy it for the accommodation of their offices." Soon after his appointment to the seals, Somers took possession of this mansion at the north-west corner of the Fields; and after him Lord Keeper Sir Nathan Wright, Lord Chancellor Cowper, and Lord Chancellor Harcourt used

it as an official residence. But the arrangement was not acceptable to the legal dignitaries. They preferred to dwell in their private houses, from which they were not liable to be driven by a change of ministry or a gust of popular disfavour. In the year 1711 the mansion was therefore sold to John Holles, Duke of Newcastle, to whom it is indebted for the name which it still bears. This large, unsightly mansion is known to every one who lives in London, and has any knowledge of the political and social life of the earlier Georgian courtiers and statesmen.

CHAPTER XXIII.

LINCOLN'S INN FIELDS.

THE annals of the legal profession show that the neighbourhood of Guildhall was a favourite place of residence with the ancient lawyers, who either held judicial offices within the circle of the Lord Mayor's jurisdiction, or whose practice lay chiefly in the civic courts. In the fifteenth and sixteenth centuries there was quite a colony of jurists hard by the temple of Gogmagog and Cosineus—or Gog and Magog, as the grotesque giants are designated by the unlearned, who know not the history of the two famous effigies, which originally figured in an Elizabethan pageant, stirring the wonder of the illiterate, and reminding scholars of two mythical heroes about whom the curious reader of this paragraph may learn further particulars by referring to Michael Drayton's "Polyolbion."

In Milk Street, Cheapside, lived Sir John More, judge in the Court of King's Bench; and in Milk Street, A.D. 1480, was born Sir John's famous son Thomas, the Chancellor, who was at the same time learned and simple, witty and pious, notable for gentle meekness and firm resolve, abounding with tenderness and hot with courage. Richard Rich—who beyond Scroggs or Jeffreys deserves to be remembered as the arch-scoundrel of the legal profession—was one of Thomas More's playmates and boon companions for several years of their boyhood and youth. Richard's father was an opulent mercer, and one of Sir John's near neighbours; so the youngsters were intimate until Master Dick, exhibiting at an early age his vicious propensities, came to be "esteemed very light of his tongue, a great dicer and gamester, and not of any commendable fame." At this stage of Rich's career the prudent

judge told his son to draw away from so unworthy an associate; and henceforth the young men pursued different paths, each watching the other's course with aversion. Mutual antagonism replaced old friendship, and when they exchanged glances in the public ways and law-courts, there was no need for them to put their enmity in words. It was apparent in More's cold disdain, in Rich's uneasy effrontery. In the society of his drunken messmates Rich declared his contempt for More, calling him a psalm-singing hypocrite, a cold-blooded prig, a miserable fawner at the feet of powerful elders, a follower after respectability. More was less violent, but not less decided in his judgments. For years the social success of his enemy caused Rich to gnash his teeth with anger—caused him, in more sober moments, to reflect whether he would not do well to assume the virtues which had certainly contributed to his rival's elevation. At length the tables were turned. Odious to Rich for his virtues and his prosperity, More calmly descended from his high estate—surrendering power, not falling from it. At the trial which ensued, Rich, as Solicitor-General, exerted his unquestionable cleverness to win a verdict against the prisoner, on grounds that should give an appearance of justice to his execution. Never, either before or after that trial, has Westminster Hall witnessed a more revolting scene than that which it beheld when Rich, quitting the bar where he had been labouring for More's destruction, presented himself as a witness against the prisoner and steeped himself in perjury.

In his reply, More, in terms of awful solemnity, declared the utter untruth of Rich's assertions: "If this oath, Mr. Rich, which you have taken be true, *then I pray that I may never see God in the face!*" These words came from the martyr's mouth, and no one who heard them doubted that Mr. Solicitor was a foul false-witness. After some words of explanation, calmly looking into the face of his old playmate, who had just given an utterly untruthful account of a private conversation, Sir Thomas More added, "In good faith, Mr. Rich, I am more sorry for your perjury than for mine own peril. Know you that neither I, nor any man else to my knowledge, ever took you to be a man of such credit as either

I or any other would vouchsafe to communicate with you in any matter of importance. As you well know, I have been acquainted with your manner of life and conversation a long space, even from your youth upwards, for we dwelt long together in one parish, where, as you yourself can well tell (I am sorry you compel me to speak it), you were always esteemed very light of your tongue, a great dicer and gamester, and not of any commendable fame either there or in the Temple, the Inn to which you have belonged."

Those words were remembered when their speaker was in the grave, his memory remaining dear to all good men. Strangely different were the deaths as well as the lives of those two contemporaries who, after playing together as boys, rose to the height of social eminence, each of them becoming Lord Chancellor of England. The pious and wise More died on a scaffold. The dissolute and shameless Rich lived to extreme old age, and dying left behind him enormous wealth and an infamous repute.

Sir Thomas More, on marrying his first wife, settled in a house in Bucklersbury, the City being the proper quarter for his residence, as he was an under-sheriff of the City of London, in which character he both sat in the Court of the Lord Mayor and Sheriffs, and presided over a separate court on the Thursday of each week. Whilst living in Bucklersbury he had chambers in Lincoln's Inn. On leaving Bucklersbury he took a house in Crosby Place; from which he moved, in 1523, to Chelsea, in which parish he built the house that was eventually pulled down by Sir Hans Sloane in the year 1740.

A generation later, Sir Nicholas Bacon was living in Noble Street, Foster Lane, where he had built the mansion known as Bacon House, in which he resided till, as Lord Keeper, he took possession of York House. Chief Justice Bramston lived, at different parts of his career, in Whitechapel; in Philip Lane, Aldermanbury; and (after his removal from Bosworth Court) in Warwick Lane. Sir John Bramston (the autobiographer) married into a house in Charterhouse Yard, where his father, the Chief Justice, resided with him for a short time.

But from an early date, and especially during the seven-

teenth and eighteenth centuries, the more prosperous of the working lawyers either lived within the walls of the Inns, or in houses lying near the law colleges. Fleet Street, the Strand, Holborn, Chancery Lane, and the good streets leading into those thoroughfares, contained a numerous legal population in the times between Elizabeth's death and George III.'s first illness. 'Rich benchers and judges wishing for more commodious quarters than they could obtain at any cost within college-walls, erected mansions in the immediate vicinity of their Inns: and their example was followed by less exalted and less opulent members of the bar and the judicial bench. The great Lord Strafford first saw the light in Chancery Lane, in the house of his maternal grandfather, who was a bencher of Lincoln's Inn. Lincoln's Inn Fields was principally built for the accommodation of wealthy lawyers; and in Charles II.'s reign Queen Street, Lincoln's Inn Fields, was in high repute with legal magnates. Sir Edward Coke lived alternately in chambers, and in Hatton House, Holborn, the palace that came to him by his second marriage. John Kelyng's house stood in Hatton Garden, and there he died in 1671. In his mansion in Lincoln's Inn Fields, Sir Harbottle Grimston, on June 25, 1660 (shortly before his appointment to the Mastership of the Rolls, for which place he is said to have given Clarendon 8000*l.*), entertained Charles II. and a grand gathering of noble company. Francis North married into a house in Chancery Lane,* near Sergeants' Inn. On

* Roger North is delightful with his descriptions of his brother's doings and state in Chancery Lane. "When his lordship lived in this house, before his lady began to want her health, he was in the height of all the felicity his nature was capable of. He had a seat in St. Dunstan's church appropriated to him, and constantly kept the church in the mornings. He had the esteem of the royal family, and of all loyal and conformable people in the nation. His house was to his mind; and having, with leave, a door into Sergeants'-inn garden, he passed daily with ease to his chamber, dedicated to business and study." Roger, continuing his narrative, gives us an instructive insight into the state of London, as regards the general drainage of the town in days when low fever was at all times abundant, and the plague made destructive visitations. "His lordship procured to be done another good work, which exceedingly improved the dwellings in all Chancery Lane, from Jackanapes Alley down to Fleet Street. He found in his house a small well in the cellar, into which all the draining of the house was received; and, when it was full, a pump went to work to clean it into the open kennel of the street. But during this pumping the stench was intolerable, and offended, not only his lordship, but all the houses in the

Nov. 15, 1666,—the year of the fire of London, in which year Hyde had his town house in the Strand—Glyn died in his house, in Portugal Row, Lincoln's Inn Fields. On June 15, 1691, Henry Pollexfen, Chief Justice of Common Pleas, expired in his mansion in Lincoln's Inn Fields. These addresses—taken from a list of legal addresses lying before the writer—indicate with sufficient clearness the quarter of the town in which Charles II.'s lawyers mostly resided.

Under Charles II. the population of the Inns was such that barristers wishing to marry could not easily obtain commodious quarters within college-walls. Dugdale observes "that all but the benchers go two to a chamber: a bencher hath only the privilege of a chamber to himself." He adds—"If there be any one chamber consisting of two parts, and the one part exceeds the other in value, and he who hath the best part sells the same, yet the purchaser shall enter into the worst part; for it is a certain rule that the auntient in the chamber—*viz.*, he who was therein first admitted, without respect to their antiquity in the house, hath his choice of either part." This custom of sharing chambers gave rise to the word "chumming," an abbreviation of "chambering." Barristers in the present time often share a chamber—*i.e.*, set of rooms. George Warrington and Arthur Pendennis chummed together in the Temple. In the seventeenth century an utter-barrister found the half of a set of rooms inconveniently narrow quarters for himself and wife. By arranging privately with a non-resident brother of the long robe, he sometimes obtained an entire "chamber," and had the space allotted to a bencher. When he could not make such an arrangement, he usually moved to a house out-

street, and also passengers that passed to and fro in it. And other houses there, which had any cellars, were obnoxious to the same inconveniences. His lordship proposed to them to join in the charge of making a drain, or sewer, all along the street, deep enough to discharge into the grand common sewer in Fleet Street. The inhabitants would not join, alleging danger to their houses, and other frivolous matters, and thereupon his lordship applied to the commissioners of sewers, and obtained a decree, by virtue of which it was done, whether they would or no, and the charge paid by a contribution levied upon them; and then they thanked his lordship as for a singular good done them. Which is an instance showing that the common people will be averse to their own interest till it is forced upon them; and then be thankful for it."—*Life of the Lord Keeper Guildford.*

side the gate, but in the immediate vicinity of his Inn, as soon as his lady presented him with children, if not sooner.

Of course working, as well as idle, members of the profession were found in other quarters. Some still lived in the City: others preferred more fashionable districts. Roger North, brother of the Lord Keeper and son of a peer, lived in the Piazza of Covent Garden, in the house formerly occupied by Lely the painter. To this house Sir Dudley North moved from his costly and dark mansion in the City; and in it he shortly afterwards died, under the hands of Dr. Radcliffe and the prosperous apothecary, Mr. St. Amand. "He had removed," writes Roger, "from his great house in the City, and came to that in the Piazza which Sir Peter Lely formerly used, and I had lived in alone for divers years. We were so much together, and my incumbrances so small, that so large a house might hold us both." Roger was a practising barrister and Recorder of Bristol.

During his latter years Sir John Bramston (the autobiographer) kept house in Greek Street, Soho.

In the time of Charles II. the wealthy lawyers often maintained suburban villas, where they enjoyed the air and pastimes of the country. When his wife's health failed, Francis North took a villa for her at Hammersmith, "for the advantage of better air, which he thought beneficial for her;" and whilst his household tarried there, he never slept at his chambers in town, "but always went home to his family, and was seldom an evening without company agreeable to him." In his later years, Chief Justice Pemberton had a rural mansion in Highgate, where his death occurred on June 10, 1699, in the 74th year of his age. A pleasant chapter might be written on the suburban seats of our great lawyers from the Restoration down to the present time. Lord Mansfield's "Kenwood" is dear to all who are curious in legal *ana*. Charles Yorke had a villa at Highgate, where he entertained his political and personal friends. Holland, the architect, built a villa at Dulwich for Lord Thurlow; but in consequence of a quarrel between the Chancellor and the builder, the former took such a dislike to the house that after its completion he never slept a night in it, though he often passed his holidays in a small lodge standing in the

grounds of the villa. "Lord Thurlow," asked a lady of him, as he was leaving the Queen's Drawing-room, "when are you going into your new house?" "Madam," answered the surly Chancellor, incensed by her curiosity, "the Queen has asked me that impudent question, and I would not answer her; I will not tell you." For years Loughborough and Erskine had houses in Hampstead. "In Lord Mansfield's time," Erskine once said to Lord Campbell, "although the King's Bench monopolized all the common-law business, the court often rose at one or two o'clock—the papers, special, crown, and peremptory, being cleared; and then I refreshed myself by a drive to my villa at Hampstead." It was on Hampstead Heath that Loughborough, meeting Erskine in the dusk, said, "Erskine, you must not take Paine's brief;" and received the prompt reply, "But I have been retained, and I will take it, by G—d!" Much of that which is most pleasant in Erskine's career occurred at his Hampstead villa. Of Lord Kenyon's weekly trips from his mansion in Lincoln's Inn Fields to his farm-house at Richmond notice has been taken in a previous chapter. The memory of Charles Abbott's Hendon villa is preserved in the name, style, and title of Lord Tenterden, of Hendon, in the county of Middlesex. Indeed, lawyers have for many generations manifested much fondness for fresh air; the impure atmosphere of their courts in past time apparently whetting their appetite for wholesome breezes.

Throughout the eighteenth century Lincoln's Inn Fields, an open though disorderly spot, was a great place for the residence of legal magnates. Somers, Nathan Wright, Cowper, Harcourt, successively inhabited Powis House. Chief Justice Parker (subsequently Lord Chancellor Macclesfield) lived there when he engaged Philip Yorke (then an attorney's articled clerk, but afterwards Lord Chancellor of England) to be his sons' law-tutor. On the south side of the square, Lord Chancellor Henley kept high state in the family mansion that descended to him on the death of his elder brother, and subsequently passed into the hands of the Surgeons, whose modest but convenient college stands upon its site. Wedderburn and Erskine had their mansions in Lincoln's Inn Fields, as well as their suburban villas. And between the lawyers of the Restoration and the judges of George III.'s reign, a large

proportion of our most eminent jurists and advocates lived in that square and the adjoining streets; such as Queen Street on the west, Serle Street, Carey Street, Portugal Street, Chancery Lane, on the south and south-east. The reader, let it be observed, may not infer that this quarter was confined to legal residents. The lawyers were the most conspicuous and influential occupants; but they had for neighbours people of higher quality, who, attracted to the square by its openness, or the convenience of its site, or the proximity of the law colleges, made it their place of abode in London. Such names as those of the Earl of Lindsey and the Earl of Sandwich in the seventeenth, and of the Duke of Ancaster and the Duke of Newcastle in the eighteenth century, establish the patrician character of the quarter for many years. Moreover, from the books of popular antiquarians, a long list might be made of wits, men of science, and minor celebrities, who, though in no way personally connected with the law, lived during the same period under the shadow of Lincoln's Inn.

Whilst Lincoln's Inn Fields took rank amongst the most aristocratic quarters of the town, it was as disorderly a square as could be found in all London. Royal suggestions, the labours of a learned committee especially appointed by James I. to decide on a proper system of architecture, and Inigo Jones's magnificent but abortive scheme had but a poor result. In Queen Anne's reign, and for twenty years later, the open space of the fields was daily crowded with beggars, mountebanks, and noisy rabble; and it was the scene of constant uproar and frequent riots. As soon as a nobleman's coach drew up before one of the surrounding mansions, a mob of half-naked rascals swarmed about the equipage, asking for alms in alternate tones of entreaty and menace. Pugilistic encounters, and fights resembling the faction-fights of an Irish row, were of daily occurrence there; and when the rabble decided on torturing a bull with dogs, the wretched beast was tied to a stake in the centre of the wide area, and there baited in the presence of a ferocious multitude, and to the diversion of fashionable ladies, who watched the scene from their drawing-room windows. The Sacheverell outrage was wildest in this chosen quarter of noblemen and blackguards; and in George II.'s reign, when Sir Joseph Jekyll, the Master of the Rolls, made himself

odious to the lowest class by his act for laying an excise upon gin, a mob assailed him in the middle of the fields, threw him to the ground, kicked him over and over, and savagely trampled upon him. It was a marvel that he escaped with his life; but with characteristic good humour, he soon made a joke of his ill-usage, saying that until the mob made him their football he had never been master of *all* the *rolls*. Soon after this outbreak of popular violence, the inhabitants enclosed the middle of the area with palisades, and turned the enclosure into an ornamental garden. Describing the Fields in 1736, the year in which the obnoxious act concerning gin became law, James Ralph says, "Several of the original houses still remain, to be a reproach to the rest; and I wish the disadvantageous comparison had been a warning to others to have avoided a like mistake. . . . . But this is not the only quarrel I have to Lincoln's Inn Fields; the area is capable of the highest improvement, might be made a credit to the whole city, and do honour to those who live round it; whereas at present no place can be more contemptible or forbidding; in short, it serves only as a nursery for beggars and thieves, and is a daily reflection on those who suffer it to be in its abandoned condition."

During the eighteenth century, a tendency to establish themselves in the western portion of the town was discernible amongst the great law lords. For instance, Lord Cowper, who during his tenure of the seals resided in Powis House, during his latter years occupied a mansion in Great George Street, Westminster—once a most fashionable locality, but now a street almost entirely given up to civil engineers, who have offices there, but usually live elsewhere. In like manner, Lord Harcourt, moving westwards from Lincoln's Inn Fields, established himself in Cavendish Square. Lord Henley, on retiring from the family mansion in Lincoln's Inn Fields, settled in Grosvenor Square. Lord Camden lived in Hill Street, Berkeley Square. On being entrusted with the sole custody of the seals, Lord Apsley (better known as Lord Chancellor Bathurst) made his first state-progress to Westminster Hall from his house in Dean Street, Soho; but afterwards moving farther west, he built Apsley House (familiar to every Englishman as the late Duke of Wellington's town mansion) upon the site of Squire Western's favourite inn—the "Hercules' Pillars."

CHAPTER XXIV.

THE OLD LAW QUARTER.

FIFTEEN years since, the writer of this page used to dine with a conveyancer—a lawyer of an old and almost obsolete school—who had a numerous household, and kept a hospitable table in Lincoln's Inn Fields; but the conveyancer was almost the last of his species. The householding legal *resident* of the Fields, like the domestic resident of the Temple, has become a feature of the past. Amongst the ordinary nocturnal population of the square called Lincoln's Inn Fields, may be found a few solicitors who sleep by night where they work by day, and a sprinkling of young barristers and law students who have residential chambers in grand houses that, less than a century since, were tenanted by members of a proud and splendid aristocracy; but the gentle families have by this time altogether disappeared from the mansions. None but a *very* wealthy man could afford to keep house there at the present time; for such is the demand for offices on all sides of the square, that the rents of the houses are twice or thrice as high as they were when the quarter was most fashionable. Even if legal families of an inferior grade had generally wished to remain after the migration of the aristocracy to Mayfair, the rapid growth of the value of the property would have compelled them to select houses in a less expensive neighbourhood.

But long before this aristocratic secession, the lawyers took possession of a new quarter. The great charm of Lincoln's Inn Fields had been the freshness of the air which played over the open space. So also the recommendation of Great Queen Street had been the purity of its rural atmosphere. Built between 1630 and 1730, that thoroughfare—at present hemmed

in by fetid courts and narrow passages—caught the keen breezes of Hampstead, and long maintained a character for salubrity as well as fashion. Of those fine squares and imposing streets which lie between High Holborn and Hampstead, not a stone had been laid when the ground covered by the present Freemasons' Tavern was one of the most desirable sites of the metropolis. Indeed, the houses between Holborn and Great Queen Street were not erected till the mansions on the south side of the latter thoroughfare—built long before the northern side—had for years commanded an unbroken view of Holborn Fields.

Notwithstanding many gloomy predictions of the evils that would necessarily follow from over-building, London steadily increased, and enterprising architects deprived Lincoln's Inn Fields and Great Queen Street of their rural qualities.

Crossing Holborn, the lawyers settled on a virgin plain, beyond the ugly houses which had sprung up on the north of Great Queen Street, and on the country side of Holborn. Speedily a new quarter arose, extending from Gray's Inn on the east to Southampton Row on the west, and lying between Holborn and the line of Ormond Street. Red Lion Street, Bedford Row, Great Ormond Street, Little Ormond Street, Great James Street, and Little James Street were amongst its best thoroughfares; in its centre was Red Lion Square, and in its north-western corner lay Queen's Square. Steadily enlarging its boundaries, it comprised at later dates Guildford Street, John's Street, Doughty Street, Mecklenburg Square, Brunswick Square, Bloomsbury Square, Russell Square, Bedford Square—indeed, all the region lying between Gray's Inn Lane (on the east), Tottenham Court Road (on the west), Holborn (on the south), and a line running along the north of the Foundling Hospital and "the squares." Of course this large residential district was more than the lawyers required for themselves. It became and long remained a favourite quarter with merchants, physicians,* and surgeons; and until a recent

* Dr. Clench lived in Brownlow Street, Holborn; and until his death, in 1831, John Abernethy occupied in Bedford Row the house which is still inhabited by an eminent surgeon, who was Abernethy's favourite pupil. Of Dr. Clench's death in January, 1691-2, Narcissus Luttrell gives the following account:—"The 5th, last

date it comprised the mansions of many leading members of the aristocracy. But from its first commencement it was so intimately associated with the legal profession that it was often called the "law quarter;" and the writer of this page has often heard elderly ladies and gentlemen speak of it as the "old law quarter."

Although lawyers were the earliest householders in this new quarter, its chief architect encountered at first strong opposition from a section of the legal profession. Anxious to preserve the rural character of their neighbourhood, the gentlemen of Gray's Inn were greatly displeased with the proposal to lay out Holborn Fields in streets and squares. Under date June 10, 1684, Narcissus Luttrell wrote in his diary—"Dr. Barebone, the great builder, having some time since bought the Red Lyon Fields, near Graie's Inn walks, to build on, and having for that purpose employed severall workmen to goe on with the same, the gentlemen of Graie's Inn took notice of it, and, thinking it an injury to them, went with a considerable body of 100 persons; upon which the workmen assaulted the gentlemen, and flung bricks at them, and the gentlemen at them again. So a sharp engagement ensued, but the gentlemen routed them at last, and brought away one or two of the workmen to Graie's Inn; in this skirmish one or two of the gentlemen and servants of the house were hurt, and severall of the workmen."

James Ralph's remarks on the principal localities of this district are interesting. "Bedford Row," he says, "is one of the most noble streets that London has to boast of, and yet there is not one house in it which deserves the least attention." He tells us that "Ormond Street is another place of pleasure,

night, Dr. Clench, the physician, was strangled in a coach; two persons came to his house in Brownlow Street, Holborn, in a coach, and pretended to carry him to a patient's in the City; they drove backward and forward, and after some time stopt by Leadenhall, and sent the coachman to buy a couple of fowls for supper, who went, accordingly; and in the mean time they slipt away; and the coachman when he returned found Dr. Clench with a handkerchief tyed about his neck, with a hard sea-coal twisted in it, and clapt against his windpipe; he had spirits applied to him and other means, but too late, he having been dead some time." Dr. Clench's murderer—one Mr. Harrison, a man of gentle condition—was apprehended, tried, found guilty, and hung in chains.

and that side of it next the Fields is, beyond question, one of the most charming situations about town." This "place of pleasure" is now given up for the most part to hospitals and other charitable institutions, and to lodging-houses of an inferior sort. Passing on to Bloomsbury Square, he says, "Bloomsbury Square is at the present remarkable for nothing but its being a place capable of great improvement; there is not one tolerable house in it, and the area in the middle is almost as much neglected as the buildings. The ground on which the Duke of Bedford's house now stands is, beyond dispute, one of the finest situations in Europe for a palace, and I am not a little grieved to see it so wretchedly misemployed. In the first place it has one whole side of a square for a front, and the square itself would serve as a magnificent area before it; then there is a grand street just opposite to it, which throws the prospect of it open to Holborn, and must excite the curiosity of every passenger to regard and admire it. Then behind, it has the advantage of most agreeable gardens, and a view of the country, which would make a retreat from the town almost unnecessary, beside the opportunity of exhibiting another prospect of the building, which would enrich the landscape and challenge new approbation." This was written in 1736. At that time the years of two generations were appointed to pass away ere the removal of Bedford House should make way for Lower Bedford Place, leading into Russell Square.

So late as the opening years of George III.'s reign, Queen's Square enjoyed an unbroken prospect in the direction of Highgate and Hampstead. "The Foreigner's Guide: or a Necessary and Instructive Companion both to the Foreigner and Native, in their Tours through the Cities of London and Westminster" (1763), contains the following passage:—"Queen's Square, which is pleasantly situated at the extreme part of the town, has a fine open view of the country, and is handsomely built, as are likewise the neighbouring streets—viz., Southampton Row, Ormond Street, &c. In this last is Powis House, so named from the Marquis of Powis, who built the present stately structure in the year 1713. It is now the town residence of the Earl of Hardwicke, late Lord Chancellor. The apartments are noble, and the whole edifice is commendable

for its situation and the fine prospect of the country. Not far from thence is Bloomsbury Square. This square is commendable for its situation and largeness. On the north side is the house of the Duke of Bedford. This building was erected from a design of Inigo Jones, and is very elegant and spacious." From the duke's house in Bloomsbury Square and his surrounding property, the political party, of which he was the chief, obtained the nickname of the Bloomsbury Gang.

Chief Justice Holt died March 5, 1710, at his house* in Bedford Row. In Red Lion Square Chief Justice Raymond had the town-mansion wherein he died on April 15, 1733; twelve years after Sir John Pratt, Lord Camden's father, died at his house in Ormond Street. On December 15, 1761, Chief Justice Willes died at his house in Bloomsbury Square. Chagrin at missing the seals through his own arrogance, when they had been actually offered to him, was supposed to be a principal cause of the Chief Justice's death. His friends represented that he died of a broken heart; to which assertion flippant enemies responded that no man ever had a heart after living seventy-four years. Murray for many years inhabited a handsome house in Lincoln's Inn Fields; but his name is more generally associated with Bloomsbury Square, where stood the house which was sacked and burnt by the Gordon rioters. In Bloomsbury Square our grandfathers used to lounge, watching the house of Edward Law, subsequently Lord Ellenborough, in the hope of seeing Mrs. Law, as she watered the flowers of her balcony. Mrs. Law's maiden name was Towry, and, as a beauty, she remained for years the rage of London. Even at this date there remain a few aged gentlemen whose eyes sparkle and whose cheeks flush when they recall the charms of the lovely creature who became the wife

* Holt's country seat was Redgrave Hall, formerly the home of the Bacons. It was on his manor of Redgrave that Sir Nicholas Bacon entertained Queen Elizabeth when she remarked that her Lord Keeper's house was too small for him, and he answered—"Your Majesty has made me too great for my house." Redgrave has a richly-wooded and singularly picturesque park, in which the present writer, whilst a schoolboy under the tuition of his venerated friend, the Rev. Joseph Haddock, spent many a happy hour.

of ungainly Edward Law, after refusing him on three separate occasions.

On becoming Lord Ellenborough and Chief Justice, Edward Law moved to a great mansion in St. James's Square, the size of which he described to a friend by saying, "Sir, if you let off a piece of ordnance in the hall, the report is not heard in the bedrooms." In this house the Chief Justice expired, on December 13, 1818. Speaking of Lord Ellenborough's residence in St. James's Square, Lord Campbell says, "This was the first instance of a common law judge moving to the 'West End.' Hitherto all the common law judges had lived within a radius of half a mile from Lincoln's Inn; but they are now spread over the Regent's Park, Hyde Park Gardens, and Kensington Gore."

Lord Hardwicke and Lord Thurlow have been more than once mentioned as inhabitants of Ormond Street.

Eldon's residences may be noticed with advantage in this place. On leaving Oxford and settling in London, he took a small house for himself and Mrs. Scott, in Cursitor Street, Chancery Lane. About this dwelling he wrote to his brother Henry:—"I have got a house barely sufficient to hold my small family, which (so great is the demand for them here) will, in rent and taxes, cost me annually sixty pounds." To this house he used to point in the days of his prosperity, and, in allusion to the poverty which he never experienced, he would add, "There was my first perch. Many a time have I run down from Cursitor Street to Fleet Market and bought six-penn'orth of sprats for our supper." After leaving Cursitor Street he lived in Carey Street, Lincoln's Inn Fields, where also, in his later years, he believed himself to have endured such want of money that he and his wife were glad to fill themselves with sprats. When he fixed this anecdote upon Carey Street, the old Chancellor used to represent himself as buying the sprats in Clare Market instead of Fleet Market. After some successful years he moved his household from the vicinity of Lincoln's Inn, and took a house in the law quarter, selecting one of the roomy houses (No. 42) of Gower Street.

In Gower Street he lived when as Attorney General he

conducted the futile prosecutions of Hardy, Horne Tooke, and Thelwall, in 1794. At the door of his Gower Street house he was addressed by the mysterious protector of whom he told the following story, whilst recalling the events of the '94 trials:—"One evening, at the rising of the court, I was preparing to retire, when Mr. Garrow said, 'Do not, Mr. Attorney, pass that tall man at the end of the table.' 'And why not?' said Mr. Law, who stood next. 'He has been here,' answered Mr. Garrow, 'during the whole trial, with his eyes constantly fixed on the Attorney General.' 'I will pass him,' said Mr. Law. 'And so will I,' was my rejoinder. As we passed, the man drew back. When I entered my carriage, the mob rushed forward, crying, 'That's he; drag him out!' Mr. Erskine, from whose carriage the mob had taken off the horses to draw him home in triumph, stopped the people, saying 'I will not go without the Attorney General.' I instantly addressed them: 'So you imagine that, if you kill me, you will be without an Attorney General? Before ten o'clock to-morrow there will be a new Attorney General, by no means so favourably disposed to you as I am.' I heard a friend in the crowd exclaim, 'Let him alone! let him alone!' They separated, and I proceeded. When I reached my house in Gower Street, I saw, close to my door, the tall man who stood near me in court. I had no alternative; I instantly went up to him. 'What do you want?' I said. 'Do not be alarmed,' he answered; 'I have attended in court during the whole of the trial. I know my own strength, and am resolved to stand by you. You once did a great act of kindness to my father. Thank God! you are safe at home; may He bless and protect you!' He instantly disappeared."

On quitting Gower Street, Eldon took the house in Bedford Square which witnessed so many strange scenes during his tenure of the seals, and also during his brief exclusion from office. In Bedford Square, he played the part of chivalric protector to the Princess of Wales, and chuckled over the proof-sheets of that mysterious "book" by the publication of which the injured wife and the lawyer hoped to take vengeance on their common enemy. There the Chancellor, feeling it well to protract his flirtation with the Princess of Wales, entertained

her in the June of 1808, with a grand banquet, from which Lady Eldon was compelled by indisposition to be absent. And there, four years later, when he was satisfied that Her Royal Highness's good opinion could be of no service to him, the crafty, self-seeking minister gave a still more splendid dinner to the husband whose vices he had professed to abhor, whose meanness of spirit he had declared the object of his contempt. "However," writes Lord Campbell, with much satiric humour, describing this alliance between the selfish voluptuary and the equally selfish lawyer, "he was much comforted by having the honour, at the prorogation, of entertaining at dinner His Royal Highness the Regent, with whom he was now a special favourite, and who, enjoying the splendid hospitality and gay good humour of Bedford Square, forgot that the Princess of Wales had sat in the same room—at the same table—on the same chair—had drunk of the same wine—out of the same cup—while the conversation had turned on her barbarous usage, and the best means of publishing to the world *her* wrongs and *his* misconduct."

Another of the Prince Regent's visits to Bedford Square is surrounded with comic circumstances and associations. In the April of 1815, a mastership of chancery became vacant by the death of Mr. Morris; and forthwith the Chancellor was assailed with entreaties from every direction for the vacant post. For two months Eldon, pursuing that policy of which he was a consummate master, delayed to appoint; but on June 23, he disgusted the bar and shocked the more intelligent section of London society by conferring the post on Jekyll, the courtly *bon vivant* and witty descendant of Sir Joseph Jekyll, Master of the Rolls. Amiable, popular, and brilliant, Jekyll received the congratulations of his numerous personal friends; but beyond the circle of his private acquaintance the appointment created lively dissatisfaction—dissatisfaction which was heightened rather than diminished by the knowledge that the placeman's good fortune was entirely due to the personal importunity of the Prince Regent. How this royal influence was applied to the Chancellor should be told in Eldon's own words. "The Prince Regent," runs Eldon's version of the affair, "after having applied to me repeatedly

at Carlton House to appoint Mr. Jekyll the Master, without effect, and having often observed that a man of his sense and abilities would soon be able to learn his business (which might be very true, but the appointment would, nevertheless, introduce a most inconvenient host of candidates from the common law bar for chancery offices), at length, in furtherance of his purpose, took the following step:—He came alone to my door in Bedford Square. Upon my servants going to the door, the Prince Regent observed that, as the Chancellor had the gout, he knew he must be at home, and he, therefore, desired he might be shown up to the room where the Chancellor was. My servants told the prince I was much too ill to be seen. He, however, pressed to be admitted, and they, very properly and respectfully, informed him that they had positive orders to show in *no* one. Upon which he suddenly asked them to show him the staircase, which, you know, they could not refuse to do. They attended him to it, and he immediately ascended, and pointed first to one door and then to another, asking, 'Is that your master's room?'—they answering 'No'—until he came to the right one; upon which he opened the door and seated himself by my bedside. Well, I was rather surprised to see His Royal Highness, and inquired his pleasure. He stated he had come to request that I would appoint Jekyll to the vacant mastership in chancery. I respectfully answered that I deeply regretted His Royal Highness should ask that, for I could not comply. He inquired why I could not, and I told him simply because, in my opinion, Mr. Jekyll was totally unqualified to discharge the duties of that office. He, however, repeated his request and urged very strongly; I again refused, and for a great length of time he continued to urge, and I continued to refuse, saying Mr. Jekyll was unfit for the office, and I would never agree. His Highness suddenly threw himself back in his chair, exclaiming, 'How I do pity Lady Eldon!' 'Good God,' I said, 'what is the matter?' 'Oh, nothing,' answered the prince, 'except that she will never see you again, for here I remain until you promise to make Jekyll a Master in Chancery.' Well, I was obliged at length to give in—I could not help it." Fortunately, Jekyll was less incompetent for the post than his enemies had declared, and his friends

admitted. He proved a respectable master, held his post until age and sickness compelled him to resign it; and then, sustained in spirits by the usual retiring pension, he sauntered on right mirthfully into the valley of the shadow of death. On the day after his retirement, the jocose veteran, meeting Eldon in the street, observed—"Yesterday, Lord Chancellor, I was your master; to-day I am my own."

From Bedford Square, Lord Eldon, for once following the fashion, moved to Hamilton Place, Piccadilly. With the purpose of annoying him the "queen's friends," during the height of the "Queen Caroline agitation," proposed to buy the house adjoining the Chancellor's residence in Hamilton Place, and to fit it up for the habitation of that not altogether meritorious lady. Such an arrangement would have been an humiliating as well as exasperating insult to a lawyer who, as long as the excitement about the poor woman lasted, would have been liable to affront whenever he left his house or looked through the windows facing Hamilton Place. The same mob that delighted in hallooing round whatever house the queen honoured with her presence, would have varied the "hurrahs" for the lady with groans for the lawyer who, after making her wrongs the stalking-horse of his ambition, had become one of her chief oppressors. Eldon determined to leave Hamilton Place on the day which should see the queen enter it; and hearing that the Lords of the Treasury were about to assist her with money for the purchase of the house, he wrote to Lord Liverpool, protesting against an arrangement which would subject him to annoyance at home and to ridicule out of doors. "I should," he wrote, "be very unwilling to state anything offensively, but I cannot but express my confidence that Government will not aid a project which must remove the Chancellor from his house the next hour that it takes effect, and from his office at the same time." This decided attitude caused the Government to withdraw their countenance from the project; whereupon a public subscription was opened for its accomplishment. Sufficient funds were immediately proffered; and the owner of the mansion had verbally made terms with the patriots, when the Chancellor, outbidding them, bought the house himself. "I had no other means," he wrote to his daughter, "of preventing

the destruction of my present house as a place in which I could live, or which anybody else would take. The purchase-money is large; but I have already had such offers, that I shall not, I think, lose by it."

Russell Square—where Lord Loughborough (who knows aught of the Earl of Rosslyn?) had his town house, after leaving Lincoln's Inn Fields, and where Charles Abbott (Lord Tenterden) established himself on leaving the house in Queen's Square, into which he married during the summer of 1795—maintained a quasi-fashionable repute much later than the older and therefore more interesting parts of the "old law quarter." Theodore Hook's disdain for Bloomsbury is not rightly appreciated by those who fail to bear in mind that the Russell Square of Hook's time was tenanted by people who—though they were unknown to "fashion," in the sense given to the word by men of Brummel's habit and tone—had undeniable status amongst the aristocracy and gentry of England. With some justice the witty writer has been charged with snobbish vulgarity, because he ridiculed humble Bloomsbury for being humble. His best defence is found in the fact that his extravagant scorn was not directed at helpless and altogether obscure persons so much as at an educated and well-born class who laughed at his caricatures, and gave dinners at which he was proud to be present. Though it fails to clear the novelist of the special charge, this apology has a certain amount of truth; and in so far as it palliates some of his offences against good taste and gentle feeling, by all means let him have the full benefit of it. Criticism can afford to be charitable to the clever, worthless man, now that no one admires or tries to respect him. Again, it may be advanced, in Hook's behalf, that political animosity—a less despicable, though not less hurtful passion than love of gentility—contributed to Hook's dislike of the quarter on the north side of Holborn. As a humorist he ridiculed, as a panderer to fashionable prejudices he sneered at, Bloomsbury; but as a Tory he cherished a genuine antagonism to the district of town that was associated in the public mind with the wealth and ascendancy of the house of Bedford. Anyhow, the Russell Square neighbourhood—although it was no longer fashionable, as Belgravia and Mayfair are

fashionable at the present day—remained the locality of many important families, at the time when Mr. Theodore Hook was pleased to assume that no one above the condition of a rich tradesman or second-rate attorney lived in it. Of the lawyers whose names are mournfully associated with the square itself are Sir Samuel Romilly and Sir Thomas Noon Talfourd. In 1818, the year of his destruction by his own hand, Sir Samuel Romilly lived there; and Talfourd had a house on the east side of the square up to the time of his lamented death in 1854.

That Theodore Hook's ridicule of Bloomsbury greatly lessened for a time the value of its houses there is abundant evidence. When he deluged the district with scornful satire, his voice was a social power, to which a considerable number of honest people paid servile respect. His clever words were repeated; and Bloomsbury having become a popular by-word for contempt, aristocratic families ceased to live, and were reluctant to invest money, in its well-built mansions. But Hook only accelerated a movement which had for years been steadily though silently making progress. Erskine knew Red Lion Square when every house was occupied by a lawyer of wealth and eminence, if not of titular rank; but before he quitted the stage, barristers had relinquished the ground in favour of opulent shopkeepers. When an ironmonger became the occupant of a house in Red Lion Square, on the removal of a distinguished counsel, Erskine wrote the epigram—

> "This house, where once a lawyer dwelt,
> Is now a smith's,—alas!
> How rapidly the iron age
> Succeeds the age of brass."

These lines point to a minor change in the social arrangements of London, which began with the century, and was still in progress when Erskine had for years been mouldering in his grave. In 1823, the year of Erskine's death, Chief Baron Richards expired in his town-house, in Great Ormond Street. In the July of the following year Baron Wood—*i.e.*, George Wood, the famous special pleader—died at his house in Bedford Square, about seventeen months after his resignation of his seat in the Court of Exchequer to John Hullock.

At the present time the legal fraternity has deserted Bloomsbury. The last of the judges to depart was the present Lord Chief Baron of the Exchequer, who sold his great house in Queen Square at a quite recent date. With the disappearance of this venerable and universally respected judge, the legal history of the neighbourhood may be said to have closed. Some wealthy solicitors still live in Russell Square and the adjoining streets; a few old-fashioned barristers still linger in Upper Bedford Place and Lower Bedford Place. Guildford Street and Doughty Street, and the adjacent thoroughfares of the same class, still number a sprinkling of rising juniors, literary barristers, and fairly prosperous attorneys. Perhaps the ancient aroma of the "old law quarter" —Mesopotamia, as it is now disrespectfully termed—is still strong and pleasant enough to attract a few lawyers who cherish a sentimental fondness for the past. A survey of the Post Office Directory creates an impression that, compared with other neighbourhoods, the district north and north-east of Bloomsbury Square still possesses more than an average number of legal residents; but it no longer remains the quarter of the lawyers. With the exception of doctors of civil law, who "don't count for much" in this reforming age, the district has now only one inhabitant who can fairly be credited with legal eminence.

This solitary representative of forensic state and power is a learned Queen's Counsel, who lives in Mecklenburgh Square, and for whose preservation the prayers of the neighbourhood constantly ascend. To his more scholarly and polite neighbours this gentleman is an object of intellectual interest and anxious affection. As the last of an extinct species, as a still animate Dodo, as a lordly Mohican who has outlived his tribe, this isolated counsellor of Her Gracious Majesty is watched by heedful eyes whenever he crosses his threshold. In the morning, as he paces from his dwelling to chambers, his way down Doughty Street and John Street, and through Gray's Inn Gardens, is guarded by men anxious for his safety. Shreds of orange-peel are whisked from the pavement on which he is about to tread; and when he crosses Holborn he walks between those who would imperil their lives to rescue him from danger.

The gate-keeper in Doughty Street daily makes him low obeisance, knowing the historic value and interest of his courtly presence. Occasionally the inhabitants of Mecklenburgh Square whisper a fear that some sad morning their Q.C. may flit away without giving them a warning. Long may it be before the residents of the "Old Law Quarter" shall wail over the fulfilment of this dismal anticipation!

PART V.—LOVES OF THE LAWYERS.

CHAPTER XXV.

THE THREE GRACES.

AMONGST women linked inseparably to shame there are three, of English birth and fortunes, whose sin history delights to palliate, and whose names are mentioned without a blush by the virtuous of their sex. Standing apart from the crowd of well-descended courtesans, the blackness of whose crimes is made conspicuous by splendid whiteness of lineage, and removed from the vile herd of wanton creatures who used the passions of weak men as steps whereby to ascend from low-born indigence to dazzling pre-eminence in vice, these three Englishwomen are regarded with pity rather than anger —with much affection and no aversion. Their wrong deeds are present to the mind of every person who mentions their names; but the memory of their evil behaviour is so closely and constantly associated with recollections of their sorrows, or penitence, or redeeming goodness, that it is impossible to speak of their faults without thinking of virtues which we admire, or of sufferings which we commiserate. They were wicked women, stained by the iniquity for which, under ordinary circumstances, there is no human pardon; and yet the stories of their lives are known to every girl who has learnt aught of English history. Painters and sculptors are encouraged to reproduce the lineaments of their loveliness; poets and novelists place them in song and tale.

In order of time the first of the three is that poor, broken creature—whilom a proud baron's lovely daughter—who, en-

countering the dreamer of "A Dream of Fair Women," broke the silence in "a low voice, full of care," saying—

> "Turn and look on me ;
> I am that Rosamond whom men call fair,
> If what I was I be.
>
> "Would I had been some maiden coarse and poor!
> O me, that I should ever see the light!
> Those dragon eyes of anger'd Eleanor
> Do hunt me day and night."

The latest of the trio is that little Nelly whose honour was her shamelessness, whose Protestantism remained when her virtue had flown, whose merry wit was active in behalf of honesty, whose name is equally suggestive of social indecorum and social benevolence. An impudent, reckless, loquacious hussy, she was ever ready in her gayer moments to dice or sing, to dance, drink, and bandy light words; and not slow to rate those who offended her in language more stinging than polite. But, notwithstanding her levity and essentially Bohemian tastes, she retained a leaven of womanly goodness amidst bad associates and in a poisonous atmosphere. In some respects she was a true gentlewoman. Taken from a fish-stall to a palace, she never blushed for her humble origin; never affected to be anything better or worse than that which she really was; never assumed merit or repute that her companions were reluctant to allow her. Surrounded by nobles she talked with simplicity of the days when she was a poor actress: in the company of her old theatrical friends she never boasted of her more exalted acquaintances. Hemmed in by sycophants and liars she never sacrificed self-dependence or truth. In the presence of the virtuous she was respectful to virtue; and she had courage to tell the vicious that she admired the goodness which she could not imitate. She extorted from Charles a title for her child, and for herself she accepted a portion of the wealth which she might have taken from his open hand; but her influence over the weak king was never exerted to the degradation, and was sometimes used for the benefit, of her country. The completion of Chelsea Hospital was one of her good works. As she died in 1691 (considerably less than thirty years after her first appearance amongst the

pretty girls of the town), she did not live to be old; but in her later years she found her chief pleasure in "the toys of age." The death of Charles gave her a practical illustration of the instability of earthly grandeur; and the wild, wayward, affectionate woman took it to heart. His last words were uttered in her behalf: and when the lips that spoke them had grown cold, she felt herself alone and fallen upon evil days. From that time she moved quietly: and when her lifeless body was conveyed with much pomp from her house in Pall Mall to its last resting-place in the church of St. Martin's-in-the-Fields, it was followed by many mourners. Not only was she interred in that sacred building, but the Vicar of St. Martin's, Dr. Tenison, who subsequently became Archbishop of Canterbury,—mindful of her laudable and meek behaviour, of her charities and unobtrusive goodness during the later portion of her earthly career,—preached a funeral sermon that called the attention of his congregation to the merits as well as the departure of their Christian sister. Some there were who thought that this respect ought not to have been paid to her memory; and Lord Jersey reported the occurrence to Queen Mary, as a reason why Dr. Tenison should not receive further preferment. With good feeling and fine courage the royal lady answered—"What then? I have heard as much: this is a sign that that poor unfortunate woman died penitent; for, if I can read a man's heart through his looks, had she not made a pious and Christian end the doctor could never have been induced to speak well of her."

And now let a few words be said of her who, in order of time, was the second of these three fair women.

During the reign of Edward IV., in Cheapside, in the City of London, hard by the chapel of the Mercers' Company, there lived a wealthy mercer, named Thomas Wainstead. Prosperous, and of good repute, this citizen was a man of mark in the commercial world: no dealer in rich cloth and costly velvet being more highly esteemed by the lords and ladies who clothed themselves in sumptuous fabrics. Daily the good man exhibited wares in the mansions of noblemen; daily, in the ordinary way of business, he had interviews with ladies of high degree. His house and worth were the gossip

of the City; and of his many admired possessions, a lovely little girl, his daughter, was not the least warmly praised.

Winsome and delicate, this surpassingly beautiful child won the heart of every one who beheld her. Proud of the charms of his solitary offspring, Thomas Wainstead used to take his child about the town whithersoever he went—to the neighbours' houses which he entered for chat, the grand palaces in which he sought money; so that, ere she had entered her thirteenth year, she had friends under nearly every important roof of London. The pet of court-ladies, she was a goddess in the eyes of City apprentices. Nor was personal loveliness her only charm. Her lively fancy and quick wit astounded persons thrice her age who had seen the life of camps and courts; and men who were most taken by her cleverness were loudest in praise of her maidenly composure and reserve. Moreover her accomplishments were remarkable. On her education the mercer had lavished money to such good purpose that at a time when learning was rare amongst women, she could read poetry and romances with exquisite feeling, could write with facility and correctness, and was a skilful musician. The work of her needle was perfect: and when she danced, gallants and dames were content to stand aside and watch her.

"She wrought all needle-works that women exercise,
With pen, frame, or stoole, all pictures artificial,
Curious knots, or trailes, what fancy could devise,
Beasts, birds, or flowers, even as things natural;
Three manner hands could she write them fair all,
To speak of Algorism, or accounts in every fashion,
Of women, few like (I think) in all this nation.

"Dame Cunning her gave a gift right excellent,
The goodly practice of her science musical,
In divers tongues to sing, and play with instrument
Both viol and lute, and also virginal;
Not only upon one, but excellent in all.
For all other virtues belonging to nature,
God her appointed a very perfect creature."

These lines were written on the tombstone of a lady who was born about forty or fifty years after Jane Wainstead's birth, when mental culture had become a fashion with English ladies of the highest class; but they might, with but little alteration, be applied to the mercer's daughter.

Ere the girl had completed her fourteenth year, suitors proposed for her hand, and the young nobles of the court were constantly lounging up and down Cheapside, in the hope of seeing her in the parlour behind her father's shop. One great lord, the king's chamberlain and peculiar friend, the Lord Hastings, had sworn to win her love; but fearing such suit as nobles were wont to proffer the daughters of honest tradesmen, and not wishing at present to give up his only child to a husband of her own or any other degree, Thomas Wainstead sent her for a while into Northamptonshire, where, removed from the persecutions of her lovers, she spent some months in the house of an aunt.

On her return to town, Jane Wainstead was again the object of many adulatory suitors. Again the courtiers were at her heels, kissing the hem of her skirt, and imploring her to give them private interviews. Alarmed for her safety, Thomas Wainstead determined to choose a husband for her, and marry her out of harm's way without delay. The father's choice was unfortunate. It fell on a dull goldsmith and jeweller of Lombard Street; a man very rich and well-respected, but an awkward fellow, who was Jane's senior by fourteen years. After the fashion of the time, Thomas Wainstead told his daughter to accept the suitor's hand, and she duteously obeyed. A few days more, and Jane Wainstead, aged sixteen, became the wife of Master Shore, goldsmith of Lombard Street, aged thirty. She married at her father's wish a man of whom she knew just nothing; a man whose love for her was but an appetite; a man on whom her graces and purity and sunny intellect were thrown away. There were merry doings at the wedding—music and dances, wine and laughter; but whilst simple Thomas Wainstead watched the riot, and rejoiced in the rare luck of his daughter who had won a wealthy goldsmith, there was coldness at the poor girl's heart, and a presentiment of evil made her tremble.

Such marriages were common in the fifteenth century: they are not uncommon in the nineteenth. They often turned out badly then—they sometimes turn out badly now. Jane Wainstead's marriage turned out *very* badly. The rich goldsmith wanted children, his honour requiring a quiver full of

arrows; but not a child came, and he was discomfited when his enemies looked him in the face. If the music of babes had enlivened her house in Lombard Street, Jane would have been to the last a good woman.

Having few household cares, she had much time for visiting and pleasure; and her husband's humour was to take her much into the world. The disappointment of his desire for children did not kill his pride in her beauty. It tickled him to take her from sight to sight, from house to house, watching the eyes of her admirers, and knowing that all men envied him his lovely partner. Praise of her personal charms was delightful to his ears; and to those who praised them most loudly, he listened most readily. Idlers visited his shop on purpose to flatter him on his tender point; and if strangers asked to see his pretty wife, he required her to come into the shop and exhibit herself. The man loved money, and he was well pleased to use Jane as a bait to draw wealthy customers to his place of business. If tradition may be trusted, the idlers were allowed to make her presents of jewelry which he sold them. Her husband encouraged her to be a coquette, and she did her best to please him.

This life was sickening to the poor girl; but she did her duty after the moral lights of that time. Obedience was her function, and she discharged it. But after a few years she was liberated from this thraldom, and placed upon a dangerous elevation.

The story of her temptation cannot be told at length in this chapter. To other sources* are referred the readers who would learn how Edward IV. was ravished by the sight of her beauty; how he visited the shop in Lombard Street, in the guise of an honest merchant; how he bought a jewel of the husband and

* The reader of a work which aims at historic truthfulness should be informed that these sources are not always of the most reliable character. Sir Thomas More's "History of Richard III." may be accepted as a good authority, and he speaks favourably of the goldsmith:—"This woman was born in London, worshipfully friended, honestly brought up, and very well married, save somewhat too soon; her husband an honest citizen, young and goodly, and of good substance. But forasmuch as they were coupled ere she was well ripe, she not very very fervently loved for whom she never longed." Notwithstanding his friendly account of the husband, More admits that the union was a *mariage de convenance*—without love on Jane's part.

gave it to the wife; how, on subsequent visits, he delighted her with brilliant words; how he met her at the house of Mistress Blague, his lacewoman and Thomas Wainstead's ally; how Mistress Blague acted the part of romantic and sympathizing friend; and how, with her husband's permission and through Mistress Blague's introduction, she went to a grand court masquerade, where her unknown lover danced with her to the extreme delight of the court.

That masquerade was quickly followed by her ruinous exaltation.

On leaving the gorgeous entertainment the disguised lover put a *billet-doux* in her bosom. The sound of trumpets and cymbals followed her to the City, and her heart beat quick when she re-entered her home. Flushed with triumph, giddy from strong emotion, maddened by excitement, the girl seized a convenient moment and read the secret letter when no eyes saw her. What did she learn from it?—That her lover was the king!

Yes, it was the king who had won her heart under the disguise of a private citizen! It was the king who had wooed her patiently, submissively, modestly, passionately, day after day! It was the king who had applauded her wit and merry humour, and wondrous cleverness and delicacy! Playfully she had flouted him a score times, and delighted him by her bravery. And now the king implored her to fly to him, and promised her wealth, influence, royal devotion!

Thus was Jane Shore tempted!

She left her husband's house by night, and never again crossed its threshold. Years afterwards she stood before it, whilst a crowd watched her doing penance, and enduring the insults heaped upon her by an enemy. But that infamous exposure was an affair of the future.

She became Edward IV.'s mistress, and in that position of splendid infamy she bore herself so sweetly and generously, that noble ladies forbore to remind her of her sin, and proud barons rendered her chivalric service. Her *naïve* talk and delicate drollery gave continual mirth to the court; and it was observed that her tongue, so quick and clever at raillery, never caused pain to a hearer. The desolate and distressed she

steadily befriended; and whoso had incurred the king's displeasure found in her a willing and dexterous assuager of the royal wrath. The good Sir Thomas More*—to whose pure mind unchastity was an especially odious sin, and who both knew Jane Shore personally, and had spoken with many witnesses of her demeanour in the heyday of her power—thus describes her conduct at King Edward's court:—"Yet delighted not men so much in her beauty as in her pleasant behaviour. For a proper wit had she, and could both read well and write; merry in company, ready and quick of answer, neither mute nor full of babble, sometimes taunting without displeasure, and not without disport. * * * Whose (*i.e.*, the king's) favour, to say the truth (for sin it were to belie the devil), she never abused to any man's hurt, and to many a man's comfort and relief. Where the king took displeasure, she would mitigate and appease his mind; where men were out of favour, she would bring them into grace; for many who had highly offended, she obtained pardon; of great forfeitures she got men remission; and, finally, in many weighty suits she stood men in great stead, either for none or very small rewards, and those rather gay than rich, either for that she was content with the deed itself well done, or for that she delighted to be sued, and to show what she was able to do with the king, or for that wanton women and wealthy be not always covetous."

When Edward IV. was no more, Jane Shore's fortunes fell, never to rise again. Faithful to him in death, even as she had been faithful whilst he was in life, she used her failing influence in behalf of those children whom Richard, notwithstanding Horace Walpole's ingenious pleading, is believed to have murdered or put out of the way. The hero of Towton was cold in his grave, and she had placed herself in opposition to his false brother, who forthwith resolved to crush her. His measures to effect that end were alike contemptible and successful. There was the foolish charge of sorcery, at which men laughed aloud, asking if every lovely woman was not by necessity of nature a sorceress? There was the execution of her old admirer and warm friend, Hastings; there was the suit against her in the spiritual court for adultery and witchcraft, in which

* Sir Thomas More's Unfinished History of King Richard III.

Shore, the goldsmith, joined, either vindictively, or through fear of the usurper's power, or through mere wish to free himself from a wife with whom he had resolved never to live again. The result of that prosecution was a sentence of penance and imprisonment.

Most touching is More's account of that spectacle, which even at this distance of time cannot be contemplated without indignation. Clothed in scant raiment of snowy whiteness, bare as to her tender feet, without a veil to hide her blushes, and bearing a taper in her hand, the delicate gentlewoman was compelled to walk through the streets of the City, and stand before the curious rabble. The conduct of the multitude did not on that occasion please Richard. Jane Shore was beloved by many persons; even rigid precisians made excuses for her one great sin, and had she been neither beautiful, nor charming in speech, Englishmen would have resented the outrage on her,—which was, in fact, an outrage on her sex. As she passed slowly on with trembling limbs, voices gave her blessing. She moved amongst the poor, whose sufferings she had alleviated—amongst the rich, whose wealth was her gift—

> "With the gentlest patience;*
> Submissive, sad, and lowly was her look;
> A burning taper in her hand she bore,
> And on her shoulders, carelessly confused,
> With loose neglect, her careless tresses hung;
> Upon her cheek a faintish blush was spread;
> Feeble she seem'd, and sorely smit with pain;
> While barefoot as she stood upon the flinty pavement,
> Her footsteps all along were marked with blood.
> Yet, silent still she passed, and unrepining;
> Her streaming eyes bent ever on the earth,
> Except when in some bitter pang of sorrow,
> To heaven she seem'd in fervent zeal to raise,
> And beg that mercy man deny'd her here."

Her beauty and her sufferings were an eloquence that the English crowd could not resist. Gentle and simple forbore from reproaches. Many were bold enough to wish her well. A sorceress truly! She had bewitched the entire multitude.

Describing the ferocity with which Richard persecuted this helpless woman, Sir Thomas More says: "And when he had

* "Jane Shore: A Tragedy in Five Acts. By Nicholas Rowe."

awhile laid unto her, for the manner said, that she went about to bewitch him, and that she was of counsel with the lord-chamberlain to destroy him: in conclusion, when that no colour could fasten upon these matters, then he laid heinously to her charge the thing that herself could not deny, that all the world wist was true, and that nevertheless every man laughed to hear it then so suddenly and highly taken that she was naught of her body.

"And for this cause, *as a goodly continent prince, clean and faultless of himself, sent out of heaven into this vicious world for the amendment of men's manners,** he caused the Bishop of London to put her to open penance, going before the cross in procession upon a Sunday, with a taper in her hand; in which she went so fairly and lovely, namely, while the wondering of the people cast a comely rud in her cheeks (of which she before was most miss), that her great shame won her much praise among those who were more amorous of her body than curious of her soul. And many good folks also, who hated her living, and glad were to see sin corrected, yet pitied they more her penance than rejoiced therein, when they considered that the Protector procured it more of a corrupt intent than any virtuous affection."

So little effect upon her popularity had the public penance, that if Richard had not again exerted himself to depress her, she would have maintained a good social position. The story, preserved in old ballads and chap-books, that Richard hanged a baker for giving her a meal is probably fictitious; but it points to the efforts which he unquestionably made to render her disgrace permanent. For a time people dared not openly relieve her wants; and, if Mistress Blague acted in the manner described by tradition and a not altogether reliable literature, that prosperous and prudent lady could plead the king's order in her own justification, when she abruptly broke off intercourse with her old friend. Had the retired lace-woman given back the jewels confided to her by Jane Shore, she would have done so at great risk.

* Let the reader pause and admire the delicate sarcasm of the words printed in italics. This sort of subtle irony may be regarded as Sir Thomas More's distinctive contribution to English literature.

But the best proof of Jane Shore's influence with men after her fall, and also of Richard's perseverance in hostility towards her, is found in the following love affair, which is matter of history.

Whilst Mrs. Shore was a prisoner in Ludgate, she was examined by Richard's lawyers with regard to the actions and aim of the Lancastrian party, with whom she was suspected of holding intercourse, and to whom in her affliction it is not improbable that she looked for relief. With such bewitching *naïveté* did the gentle captive answer the questions of her examiners, that Sir Thomas Lynom, the Solicitor General, fell in love with her, made her an offer of marriage, and was accepted.

By no means pleased with the intelligence that his Solicitor General had resolved to marry a convicted adulteress, Richard wrote the following letter to his Lord Chancellor, John Russell, Bishop of Lincoln:—

"By the King.

"RIGHT REVEREND FADRE IN GOD, &c.—Signifying unto you, that it is shewed unto us, that our servaunt and sollicitor, Thomas Lynom, merveillously blinded and abused with the late (wife) of William Shore, now living in Ludgate by oure commandement, hath made contract of matrimony with hir (as it is said) and intendith, to our full great merveille, to proceed to the effect of the same. We for many causes wold be sory that hee soo shulde bee disposed. Pray you, therefore, to .send for him, and in that ye goodly may, exhorte and stirr hym to the contrarye. And if ye finde him utterly set for to marrye hur, and noon otherwise will be advertised, then if it stand with the law of the churche, We be content (the tyme of marriage deferred to our comyng next to London) that upon sufficient suertie founde of hure good abering, ye doo send for hure keeper, and discharge of our said commandement by warrant of these, committing hur to the rule and guiding of hure fadre, or any other, by your discretion in the mene season. Geven, &c.

"To the right reverend fadre in God, &c.,
the Bishop of Lincoln, our Chancellour."

The marriage did not take place. Whether the Church decided that a divorced woman could not be married in valid wedlock; or Sir Thomas Lynom was so affected by the Lord Chancellor's representations, that he decided to withdraw from his imprudent engagement; or Jane Shore, seeing how greatly the marriage would injure her generous lover in his profession, dismissed him of her own accord,—are questions which the reader may answer agreeably to his fancy or his learning.

Certain it is that Jane Shore was never again married.

The course of her life, after her liberation from prison, is uncertain; and the exact time of her death is unknown. On leaving Ludgate she probably took refuge under her father's roof in Cheapside; for though Richard wished to keep her in obscurity and disgrace, and would have repressed any attempt to place her in affluence and power, it is proved by his letter to the Chancellor that he was ready to allow her the comforts and protection of her father's house. The ballads and popular stories represent that she died of hunger in a ditch, from which occurrence the adjacent quarter of town took the name of *Shore*-ditch. It is needless to say that this statement is a sheer fiction. The parish of Shoreditch took its name from certain manorial lords at a date long prior to Jane Wainstead's birth.

She lived to old age, and was personally known to Sir Thomas More, who speaks of her in his* 'History of Richard III.' (supposed to have been written about 1516-1519) as still living:—"Proper she was and fair," was Sir Thomas More's account; "nothing in her body that you would have changed but if you would have wished her somewhat higher. Thus say they who knew her in her youth, albeit some who now see her (for she yet liveth) deem her never to have been well visaged; whose judgement to me seemeth somewhat like as though men should guess the beauty of one long before departed, by her scalp taken out of the charnel house. For now she is old, lean, withered, and dried up, nothing left but shrivelled skin and bone. And yet even, whoso will advise her

* The critics who incline to the opinion that the "History of Richard III." was written by Cardinal Morton will not censure the present writer of a popular book for adhering to the more generally accepted account of the Memoir.

visage, might guess and devise, which parts, how filled, would make it a fair face." Let bright and lovely girls, blushing over their first conquests, and eager for the pleasures of a London season, re-read this pathetic picture of an old woman, who, by her singular beauty, once stirred the hearts of all beholders, and by a glance brought proud nobles to her feet.

More's concluding words with regard to this poor lady deserve notice :—" I doubt not some shall think this woman too slight a thing to be written of and set among the remembrances of great matters. Which they shall specially think, who haply shall esteem her only by that they now see her. But mesceemeth the chance so much the more worthy to be remembered, in how much she is now in the more beggarly condition, unfriended and worn out of acquaintance after good substance, after as great favour with the prince, after as great suit and seeking to with all those who those days had business to speed, as many other men were in their times, who be now famous only by the infamy of their ill-deeds. Her doings were not much less, albeit they be much remembered, because they were not so evil. For men use, if they have an evil turn, to write it in marble ; and whoso doth us a good turn, we write it in the dust. Which is not worst proved by her; for at this day she beggeth of many at this day living, who at this day had begged if she had not lived."

Sir Thomas More furnished the materials from which the writers of ballads and stories created the Jane Shore of popular romance, each writer merely contributing to the heroine a fresh touch of misery. A reasonable inference from the historian's words is, that in her old age she derived scanty subsistence from certain wealthy persons to whom she had done good service in the day of her power. Her " beggarly condition " consisted in the fact that she, who had once enjoyed the power and state of a princess, was reduced to ask and accept bounty. That she was a mendicant in the public ways, or that those on whom she had a claim were guilty of total neglect to their former benefactor, More's words do not imply ; but putting both these constructions upon his statement, ballad poetry represents Jane Shore as a street-beggar and outcast dying from starvation.

Readers will find amusement in one of the "Roxburghe Ballads," entitled "The Woful Lamentation of Jane Shore. A Goldsmith's Wife of London, sometime King Edward IV.'s Concubine, who, for her Wanton Life, came to a Miserable End. Set forth for an Example of all Wicked Lives." Here is a sample of the poem :—

"Long time I lived in the court
With lords and ladies of great sort;
For when I smil'd all men were glad,
And when I mourn'd my prince grew sad.
But yet an honest mind I bore
To helpless people that were poor.
I still redrest the orphan's cry,
And crav'd their lives condemn'd to die.
I still had ruth on widow's tears,
And succoured babes of tender years.
And never looked for other gain,
But love and thanks for all my pain.
At last my royal king did dye,
And then my days of woe grew nigh.
When crook-back Rich. got the crown,
K. Edward's friends were soon put down."

Rowe's poor tragedy "Jane Shore," in the brief hour of its success esteemed a model of dramatic art, called forth "The Life and Character of Jane Shore" (1714) and "The Unfortunate Concubines: The History of Fair Rosamond, Mistress to Henry II.; and Jane Shore, Concubine to Edward IV." (1717), from both of which chap-books an idle reader may find diversion.

CHAPTER XXVI.

A LOTTERY.

"I WOULD compare the multitude of women which are to be chosen for wives unto a bag full of snakes, having among them a single eel; now, if a man should put his hand into this bag, he may chance to light on the eel; but it is an hundred to one he shall be stung by a snake."

These words were often heard from the lips of that honest judge, Sir John More, whose son Thomas stirred from brain to foot by the bright eyes, and snowy neck, and flowing locks of *cara Elizabetha* (the *cara Elizabetha* of a more recent Tom Moore was "Bessie, my darling")—penned those warm and sweetly-flowing verses which delight scholars of the present generation, and of which the following lines are neither the least musical nor the least characteristic:—

"Jam subit illa dies quæ ludentem obtulit olim
Inter virgineos te mihi prima choros.
Lactea cum flavi decuerunt colla capilli,
Cum gena par nivibus visa, labella rosis;
Cum tua perstringunt oculos duo sydera nostros
Perque oculos intrant in mea corda meos."

In all ages the youthful poet has delighted to assume the reverend aspect and philosophic tone of old age; and the various merits of More's *best-known*, if not his *best*, Latin poem are rendered peculiarly delightful by the recollection that the veteran who exclaims

"Vivis adhuc, primis O me mihi charior annis,
Redderis atque oculis Elizabetha meis:
Quæ mala distinuit mihi te fortuna tot annos,
Pene puer vidi, pene reviso senex!"

was, in truth, a merry, smooth-cheeked, beardless boy.

The goddess of love played the poet more than one droll trick.

Having approached her with musical flattery, he fled from her with fear and abhorrence. For a time the highest and holiest of human affections was to his darkened mind no more than a carnal appetite; and he strove to conquer the emotions which he feared would rouse within him a riot of impious passions. With fasting and cruel discipline he would fain have killed the devil that agitated him, whenever he passed a pretty girl in the street. As a lay Carthusian he wore a hair-shirt next his skin, disciplined his bare back with scourges, slept on the cold ground or a hard bench, and by a score other strong measures sought to preserve his spiritual by ruining his bodily health. But nature was too powerful for unwholesome doctrine and usage; and before he rashly took a celibatic vow, he knelt to fair Jane Colt—and, rising, kissed her on the lips.

Abundant is the evidence that Thomas More was an eccentric lover. His passion always had a reserve, a protest, an explanation. Having fought against love, and fallen in the contest, he never worshipped with generous extravagance the fearful goddess who had covered his grand resolutions with ridicule, and made him her votary in spite of his naturally stubborn will. As a father he was inimitable, as a public man he was deficient only in the art of concession—an art which has been raised to perfection in these days of compromises and coalitions; but unless this writer errs greatly there are few Englishwomen of the present day would like to be married to such a husband. He was for ever condescending to his wife, enlightening her ignorance, putting her through educational courses, cramming her with useful knowledge. In many other respects, but especially in his relations with his wives, he seems less a lover or a devoted husband, than the archetype of Dr. Arnold's model Rugby boy, of the highest form. Just, considerate, strictly conscientious, he did his duty thoroughly by Jane Colt—exhorting her at all due seasons, graciously sympathizing with her, patiently directing her studies, giving her doses of moral back-board when she was naughty, and gladdening her heart with delicious praise when she had been unusually good. But in all this the famous lawyer was a drill-master, tutor, guardian, fire-side Providence—not an unaffected, flesh and blood husband.

When spiritual counsel had removed his conscientious objections to matrimony, he could not condescend to marry for love; but must, forsooth, choose his wife in obedience to considerations of compassion and mercy. Loving her younger sister, he paid his addresses to Jane, because he shrunk from the injustice of putting the junior above the elder of the two girls. "Sir Thomas having determined, by the advice and direction of his ghostly father, to be a married man, there was at that time a pleasant conceited gentleman of an ancient family in Essex, one Mr. John Colt, of New Hall, that invited him into his house, being much delighted in his company, proffering unto him the choice of any of his daughters, who were young gentlewomen of very good carriage, good complexions, and very religiously inclined; whose honest and sweet conversation and virtuous education enticed Sir Thomas not a little; and although his affection most served him to the second, for that he thought her the fairest and best favoured, yet when he thought within himself that it would be a grief and some blemish to the eldest to have the younger sister preferred before her, he, out of a kind compassion, settled his fancy upon the eldest, and soon after married her with all his friend's good liking."

Very considerate conduct;—perhaps a trifle too considerate! Men of lower nature would be unwise to imitate it; for an inferior mortal would run some risk of repenting his magnanimity, when repentance would be of no avail. Biography permits the inference that the younger sister did not see More's flattering partiality for her, at least did not respond to it; for Jane's marriage would scarcely have had *all* her friend's approval, if it had cost her sister bitter disappointment. Of course the compassionate gentleman, who had his "fancy" under such good control that he could "settle" it how, when, and where soever it pleased his serene mightiness, did not trifle with the second Mistress Colt's affections. Equally allowable is the inference that More after his marriage never wilfully displayed a too cordial admiration for "the fairest and best favoured sister;" but to those who know woman's faculty for discovering unpleasant truths, it is scarcely credible that Jane never learnt that Thomas married her out of pity—instead of marrying her sister out of love. Anyhow, the experiment was

perilous; and no prudent Englishman will, under any circumstances, repeat it, until the law relating to marriage with a deceased wife's sister has been altered.

The marriage was a fairly happy union, but its duration was short. After giving birth to four children Jane died, leaving the young husband, who had instructed her sedulously, to mourn her sincerely. That his sorrow was poignant may be easily believed; for her death deprived him of a docile pupil, as well as a dutiful wife.

"Virginem duxit admodum puellam," Erasmus says of his friend, "claro, genere natam, rudem adhuc utpote ruri inter parentes ac sorores semper habitam, quo magis illi liceret illam ad suos mores fingere. Hanc et literis instruendam curavit, et omni musices genere doctam reddidit." Here is another insight into the considerations which brought about the marriage. When he set out in search of a wife, he wished to capture a simple, unsophisticated, untaught country girl, whose ignorance of the world should incline her to rely on his superior knowledge, and the deficiencies of whose intellectual training should leave him an ample field for educational experiments. Seeking this he naturally turned his steps towards the eastern counties; and in Essex he found the young lady, who to the last learnt with intelligence and zeal the lessons which he set her. Towards the close of the sixteenth century, when the British gentlewoman had made great advances in mental culture, married women were observed to drop the accomplishments which they had acquired with much labour in the single state. In his "Positions, Wherein those Primitive Circumstances be examined which are necessarie for the training up of Children," Richard Mulcaster writes, "Musicke is much used, where it is to be had to the parentes, while the daughters be yong, more than to their owne, which commonly proveth true, when the wenches become yong wives. For then, lightly forgetting musicke when they learn to be mothers they give it in manifest evidence, that in their learning of it they did more seek to pleasure their parentes than to pleasure themselves." At the birth of the century, Jane More took lessons in music as well as literature from a different motive. She learnt to sing and play on the virginal, for the sake of pleasuring her husband.

More's second choice of a wife was less fortunate than his first. Wanting a woman to take care of his children and preside over his rather numerous establishment, he made an offer to a widow, named Alice Middleton. Plain and homely in appearance and taste, Mistress Alice would have been invaluable to Sir Thomas as a superior domestic servant, but his good judgment and taste deserted him when he decided to make her a closer companion. Bustling, keen, loquacious, tart, the good dame scolded servants and petty tradesmen with admirable effect; but even at this distance of time the sensitive ear is pained by her sharp, garrulous tongue, when its acerbity and virulence are turned against her pacific and scholarly husband. A smile follows the recollection that he endeavoured to soften her manners and elevate her nature by a system of culture similar to that by which Jane Colt, "admodum puella," had been formed and raised into a polished gentlewoman. Past forty years of age, Mistress Alice was required to educate herself anew. Erasmus assures his readers that "though verging on old age, and not of a yielding temper," she was prevailed upon "to take lessons on the lute, the cithara, the viol, the monochord, and the flute, which she daily practised to him." Can any one be surprised to learn that in this poor lady's case "the system" was a failure; that the fingers which were serviceable in the dairy, and terrible to serving wenches with shoulders broader than their understandings, were powerless over stringed instruments; and that after a few months of humiliating endeavour to "make herself a lady," the poor woman threw her grammars into the fire, kicked her monochord downstairs, and "went on the rampage" for an entire week?

It has been the fashion with biographers to speak bitterly of this poor woman, and to pity More for his cruel fate in being united to a termagant. No one has any compassion for her. Sir Thomas is the victim; Mistress Alice the shrill virago. In these days, when every historic reprobate finds an apologist, is there no one to say a word in behalf of the Widow Middleton, whose lot in life and death seems to this writer very pitiable? She was quick in temper, slow in brain, domineering, awkward. To rouse sympathy for such a woman is

no easy task; but if wretchedness is a title to compassion, Mistress Alice has a right to charity and gentle usage. It *was not* her fault that she could not sympathize with her grand husband, in his studies and tastes, his lofty life and voluntary death; it *was* her misfortune that his steps traversed plains high above her own moral and intellectual level. By social theory they were intimate companions; in reality, no man and woman in all England were wider apart. From his elevation he looked down on her with commiseration that was heightened by curiosity and amazement; and she daily writhed under his gracious condescension and passionless urbanity; under her own consciousness of inferiority and consequent self-scorn. He could no more sympathize with her petty aims, than she with his high views and ambitions; and conjugal sympathy was far more necessary to her than to him. His studious friends, and clever children afforded him an abundance of human fellowship; his public cares and intellectual pursuits gave him constant diversion. He stood in such small need of her, that if some benevolent fairy had suddenly endowed her with grace, wisdom, and understanding, the sum of his satisfaction would not have been perceptibly altered. But apart from him she had no sufficient enjoyments. His genuine companionship was requisite for her happiness; but for this society nature had endowed her with no fitness. In the case of an unhappy marriage, where the unhappiness is not caused by actual misconduct, but is solely due to incongruity of tastes and capacities, it is cruel to assume that the superior person of the ill-assorted couple has the stronger claim to sympathy.

Finding his wife less tractable than he wished, More withheld his confidence from her, taking the most important steps of his life, without either asking for her advice, or even announcing the course which he was about to take. His resignation of the seals was announced to her on the day *after* his retirement from office, and in a manner which, notwithstanding its drollery, would greatly pain any woman of ordinary sensibility. The day following the date of his resignation was a holiday; and in accordance with his usage the ex-Chancellor, together with his household, attended service in Chelsea Church. On her way to church Lady More returned the greetings of

her friends with a stateliness not unseemly at that ceremonious time in one who was the lady of the Lord High Chancellor. At the conclusion of service, ere she left her pew, the intelligence was broken to her in a jest that she had lost her cherished dignity. "And whereas upon the holydays during his High Chancellorship one of his gentlemen, when the service of the church was done, ordinarily used to come to my lady his wife's pew-door, and say unto her, '*Madam, my lord is gone,*' he came into my lady his wife's pew himself, and making a low courtesy, said unto her, 'Madam, my lord is gone,' which she, imagining to be but one of his jests, as he used many unto her, he sadly affirmed unto her that it was true. This was the way he thought fittest to break the matter unto his wife, who was full of sorrow to hear it."

Equally humorous and pathetic was that memorable interview between More and his wife in the Tower, when she, regarding his position by the lights with which nature had endowed her, counselled him to yield even at that late moment to the king. "What the goodyear, Mr. More!" she cried, bustling up to the tranquil and courageous man. "I marvel that you, who have been hitherto always taken for a wise man, will now so play the fool as to lie here in this close, filthy prison, and be content to be shut up thus with mice and rats, when you might be abroad at your liberty, with the favour and good-will both of the king and his council, if you would but do as the bishops and best learned of his realm have done; and, seeing you have at Chelsea a right fair house, your library, your books, your gallery, and all other necessaries so handsome about you, where you might, in company with me, your wife, your children, and household, be merry, I muse what, in God's name, you mean, here thus fondly to tarry." Having heard her out—preserving his good-humour, he said to her, with a cheerful countenance, "I pray thee, good Mrs. Alice, tell me one thing!' 'What is it?' saith she. 'Is not this house as near heaven as my own?'"

Sir Thomas More was looking towards heaven.

Mistress Alice had her eye upon the "right fair house" at Chelsea.

CHAPTER XXVII.

GOOD QUEEN BESS.

AMONGST the eminent men who are frequently mentioned as notorious suitors for the personal affection of Queen Elizabeth, a conspicuous place is awarded to Hatton, by the scandalous memoirs of his time and the romantic traditions of later ages. Historians of the present generation have accepted without suspicion the story that Hatton was Elizabeth's amorous courtier, that the fanciful letters of "Lydds" were fervent solicitations for response to his passion, that he won her favour and his successive promotions by timely exhibition of personal grace and steady perseverance in flattery. Campbell speaks of the queen and her chancellor as "lovers;" and the view of the historian has been upheld by novelists and dramatic writers.

The writer of this page ventures to reject a story which is not consistent with truth, and casts a dark suspicion on her who was not more powerful as a queen than virtuous as a woman.

Holding the sceptre in perilous and turbulent times, surrounded throughout her chequered days by secret enemies and hidden dangers, and driven by the necessities of her position to side with a party and make war upon a powerful faction of her subjects, Elizabeth, more than any queen of modern history, provoked the rage of opponents and endured the falsehood of poisonous tongues. Wherever the strong hand of the ruler appears, calumny may be found hard by—nursing venom within her jaws, and watching for an occasion to use her baneful sting. The men who cannot vanquish him in the field may traduce their master in the closet. An ignoble enemy will stab with a libel when he can no longer compel with an edict;

and the withered muscles which are powerless to wield a sword may still be able to guide a lying pen. What a volume might be written about the rumours of political factions—rumours that have found cowardice in fiery soldiers, defilement in snowy virtue, dishonour in noble birth! Of how many kings has it been whispered that they were bastards or successful pretenders! To the malice of political adversaries and baffled traitors may be attributed the fictions which have thrown ridicule on Elizabeth, and would, had they contained so much as an alloy of truth, have covered her with ignominy. She was not a man, and therefore it was useless to hint that she was a coward; she was a woman—and when a villain is bent on rendering a woman odious to all mankind, he knows that to make the world think her unchaste is to attain his object.

Persistently, and not without cleverness, slander strove to whisper away the queen's white name, and replace it with a hideous title. It was rumoured that she had favourites,—favourites in the vilest sense of that word of opposite significations. Proof of the charge was found in the alacrity with which she welcomed to her court men who were young, handsome, and accomplished: in the sensibility and frankness with which she responded to the wit and poetry of those who were proud to show her the treasures of their intellect: in the personal interest which with womanly sympathy she cherished for quite young men, endeared to her by the ties of blood, the services of their parents, or their own fine qualities: in the fanciful phraseology with which men addressed her, obeying a ridiculous but pretty fashion of the age: in the fact that she was a beautiful, sensitive, generous, witty woman,—looking, feeling, thinking, speaking as such a woman must by force of nature. In nothing was slander more perverse than in the determination to fix on the queen the indecorum of an intrigue with Hatton. She praised the grace of his dancing; slander saw in the compliment a suggestion of wicked desire. He addressed her in hyperbolical strains, declaring his extreme wretchedness in her absence, his lively joy when the brightness of her eye encouraged him to speak: slander overlooked the fact that every courtier who approached her adopted the same style,—that every polite gentleman was required to speak or

write with similar extravagance, whenever he framed a sentence for a lady's ear or eye. Assuming an air of offended delicacy, slander in these later times has pointed to passages in his private letters to Elizabeth, which are declared to be so boldly indecorous that no woman of ordinary delicacy could have read them with pleasure,—no subject would have dared to pen them to a virtuous queen. In making this criticism slander omits to state that similar passages occur in letters which Hatton wrote to men, in the expectation that they would show them to the queen. Had there been aught evil in the words, neither as lover nor as subject would he have dared to write as he wrote to Sir Thomas Heneage.

For illustrations of love's pranks amongst the Elizabethan lawyers, the reader must pass to two great judges, the inferior of whom was a far greater man than Christopher Hatton. Rivals in law and politics, Bacon and Coke were also rivals in love. Having wooed the same proud, lovely, capricious, violent woman, the one was blessed with failure, and the other was cursed with success.

Until a revolution in the popular estimate of Bacon was effected by Mr. Hepworth Dixon's vindication of that great man, it was generally believed that love was no appreciable element of his nature. Delight in vain display occupied in his affections the place which should have been held by devotion to womanly beauty and goodness; he had sneered at love in an essay, and his cold heart never rebelled against the doctrine of his clever brain; he wooed his notorious cousin for the sake of power, and then married Alice Barnham for money. Such was the theory, the most solid foundation of which was a humorous treatise,* misread and misapplied.

* To readers who have no sense of humour and irony, the essay "Of Love" unquestionably gives countenance to the theory that Francis Bacon was cold and passionless in all that concerned woman. But no narrow or strictly literal construction may be put on such words as the following:—"You may observe, that amongst all the great and worthy persons (whereof memory remaineth, either ancient or recent), there is not one that hath been transported to the mad degree of love, which shows that great spirits and great business do not keep out this weak passion. You must except, nevertheless, Marcus Antonius, the half partner of Rome, and Appius Claudius, the decemvir and law-giver; whereof the former, indeed, was a voluptuous man and inordinate; but the latter was an austere and wise man; and, therefore, it seems (though rarely) that love can find entrance, not only into an open

The lady's wealth, rank, and personal attractions were in truth the only facts countenancing the suggestion that Francis Bacon proffered suit to his fair cousin from interested motives. Notwithstanding her defects of temper, no one denies that she was a woman qualified by nature to rouse the passion of man. A wit and beauty, she was mistress of the arts which heighten the powers of feminine tact and loveliness. The daughter of Sir Thomas Cecil, the grandchild of Lord Burleigh, she was Francis Bacon's near relation; and though the Cecils were not inclined to help him to fortune, he was nevertheless one of their connexion, and consequently often found himself in familiar conversation with the bright and fascinating woman. Doubtless she played with him, persuading herself that she merely treated him with cousinly cordiality, when she was designedly making him her lover. The marvel was that she did not give him her hand; that he sought it is no occasion for surprise—or for insinuations that he coveted her wealth. Biography is by turns mischievously communicative and vexatiously silent.

heart, but also into a breast well fortified, if watch be not well kept. . . . . As for other losses, the poet's relation doth well figure them, 'That he that preferred Helena, quitted the gifts of Juno and Pallas.' . . . . . They do best, who, if they cannot but admit love, yet make it keep quarter, and sever it wholly from their serious affairs and actions of life; for if it check once with business, it troubleth men's fortunes, and maketh men that they can no ways be true to their own ends. There is in man's nature a sweet inspiration and motive towards love of others, which, if it be not spent upon some one or a few, doth naturally spread itself towards many; and maketh men become humane and charitable, as it is seen sometimes in friars. Nuptial love maketh man kind; friendly love perfecteth it; but wanton love corrupteth and embaseth it." The reader may neither overlook the playful irony with which the essayist pretends to depreciate love, nor pass lightly over the significant admission that the passion can effect an entrance into "a breast well fortified," nor omit to notice how the philosopher recognises the universality of human affection and the sacredness of the highest sort of love. Of the many strange constructions put upon this essay, not the least amusing and perverse is that which would make it a piece of adroit flattery to Elizabeth, who never permitted love "to check with business," though she is represented to have used it as a diversion in idle moments. If Sir Thomas More's "Utopia" had been published a quarter of a century after 1518 (the date of its appearance), a similar construction would have been put on the passage which urges that lovers should not be bound by an indissoluble tie of wedlock, until mutual inspection has satisfied each of the contracting parties that the other does not labour under any grave personal defect. If it were possible to regard the passage containing this proposal as an interpolation in the original romance, it might then be regarded as an attempt to palliate Henry VIII.'s conduct to Anne of Cleves.

That Bacon loved Sir William Hatton's widow, and induced Essex to support his suit, and that rejecting him she gave herself to his enemy we know; but history tells us nothing of the secret struggle which preceded the lady's resolution to become the wife of an unalluring, ungracious, peevish, middle-aged widower. She must have felt some tenderness for her cousin, whose comeliness spoke to every eye, whose wit was extolled by every lip. Perhaps she, like many others, had misread the essay "Of Love," and felt herself bound in honour to bring the philosopher to his knees at her feet. It is credible that from the outset of their sentimental intercourse she intended to win and then to flout him. But coquetry cannot conquer the first laws of human feeling. To be a good flirt a woman must have nerve and a sympathetic nature; and doubtless the flirt in this instance paid for her triumph with the smart of a lasting wound. Is it fanciful to argue that her subsequent violence and misconduct, her impatience of control and scandalous disrespect for her aged husband, may have been in some part due to the sacrifice of personal inclination which she made in accepting Coke at the entreaty of prudent and selfish relations — and to the contrast, perpetually haunting her, between what she was as Sir Edward's termagant partner, and what she might have been as Francis Bacon's wife?

She consented to a marriage with Edward Coke, but was so ashamed of her choice that she insisted on a private celebration of their union, although Archbishop Whitgift had recently raised his voice against the scandal of clandestine weddings, and had actually forbidden them. In the face of the primate's edict the ill-assorted couple were united in wedlock, without license or publication of banns, by a country parson, who braved the displeasure of Whitgift, in order that he might secure the favour of a secular patron. The wedding-day was November 24, 1598, the bridegroom's first wife having been buried on the 24th of the previous July.* On learning the violation of his orders, the archbishop was so incensed that he

* When due allowance had been made for the difference between the usages of the sixteenth century and the present time, decency was signally violated by this marriage which followed so soon upon Mrs. Coke's death, and still sooner upon the death of Lady Hatton's famous grandfather, at whose funeral the lawyer made the

resolved to excommunicate the offenders, and actually instituted for that purpose legal proceedings, which were not dropped until bride and bridegroom humbly sued for pardon, pleading ignorance of law in excuse of their misbehaviour.

The scandalous consequences of that marriage are known to every reader who has laughed over the more pungent and comic scenes of English history. Whilst Lady Hatton gave masques and balls in the superb palace which came into her possession through marriage with Sir Christopher Hatton's nephew, Coke lived in his chambers, working at cases and writing the books which are still carefully studied by every young man who wishes to make himself a master of our law. In private they had perpetual squabbles, and they quarrelled with equal virulence and indecency before the world. The matrimonial settlement of their only and ill-starred daughter, was the occasion of an outbreak on the part of husband and wife, that not only furnished diversion for courtiers but agitated the council table. Of all the comic scenes connected with that unseemly *fracas*, not the least laughable and characteristic was the grand festival of reconciliation at Hatton House, when Lady Hatton received the king and queen in Holborn, and expressly forbade her husband to presume to show himself amongst her guests. "The expectancy of Sir Edward's rising," says a writer of the period,* "is much abated by reason of his lady's liberty, who was brought in great honour to Exeter House by my Lord of Buckingham from Sir William Craven's, whither she had been remanded, presented by his lordship to the king, received gracious usage, reconciled to her daughter by his Majesty, and her house in Holborn enlightened by his presence at a dinner, where there was a royal feast; and to make it more absolutely her own, express command-

first overtures for her hand. Mrs. Coke died June 27, 1598, and was buried at Huntingfield, co. Suffolk, July 24, 1598. Lord Burleigh expired on August 4, of the same year. Coke's first marriage was not unhappy; and on the death of his wife by that union, he wrote in his note-book:—"Most beloved and most excellent wife, she well and happily lived, and, as a true handmaid of the Lord, fell asleep in the Lord, and now lives and reigns in heaven." In after years he often wished most cordially that he could say *as much* for his second wife.

* Strafford's Letters and Despatches, I. 5.

ment given by her ladyship that neither Sir Edward Coke nor any of his servants should be admitted.*

* The circumstances of a law-suit that attracted considerable attention about two years since, induced some persons to publish letters bearing upon the custom which permits a widow who marries again to retain the name and title conferred on her by her first husband, if her second husband is of a rank inferior to that of her first lord. With some reason, the writers of these letters questioned the taste and seemliness of the usage; but they greatly erred in regarding it as a new fashion, in no way sanctioned by time. Lady Hatton never used her second husband's name either before or after his knighthood. A good case, touching the same matter, is that of Sir Dudley North, Charles II.'s notorious sheriff of London. The son of an English peer, he married Lady Gunning, the widow of a wealthy civic knight, and daughter of Sir Robert Cann, "a morose old merchant of Bristol"—the same magistrate whom Judge Jeffreys, in terms not less just than emphatic, upbraided for his connexion with, or, to speak moderately, his connivance at, the Bristol kidnappers. It might be thought that the merchant's daughter, on her marriage with a peer's son, would be well content to relinquish the title of Lady Gunning; but Roger North tells us that his brother Dudley accepted knighthood, in order that he might avoid giving offence to the city, and, also, in order that his wife might be called Lady North, and not Lady Gunning. "Mr. North," says Roger, "received the honour of knighthood, which he would have declined, saving for two reasons—one was, the usage of the city, which the magistrates are commonly delighted with, and pay willingly for that court compliment; and his not embracing it had been taken ill of him. The other reason was, that his wife might not be styled the Lady Gunning—which separation even of names he chose to avoid. But, as to honour and place, that which he had by birth was superior."—*Life of the Hon. Sir Dudley North.* After Sir Thomas Wilde (subsequently Lord Truro) married Augusta Emma d'Este, the daughter of the Duke of Sussex and Lady Augusta Murray, that lady, of whose legitimacy Sir Thomas had vainly endeavoured to convince the House of Lords, retained her maiden surname. In society she was generally known as the Princess d'Este; and the bilious satirists of Inns of Court used to speak of Sir Thomas as "the Prince." It was said that one of Wilde's familiar associates, soon after the lawyer's marriage, called at his house and asked if the Princess d'Este was at home. "No, sir," replied the servant, "the Princess d'Este is not at home, but the Prince is!" That this malicious story obtained a wide currency is not wonderful; that it is a truthful anecdote the writer of this book would not like to pledge his credit. The case of Sir John Campbell and Lady Stratheden was a notable instance of a lawyer and his wife bearing different names. Raised to the peerage, with the title of Baroness Stratheden, the first Lord Abinger's eldest daughter was indebted to her husband for an honour that made him her social inferior. Many readers will remember a droll story of a misapprehension caused by her ladyship's title. During an official journey, Sir John Campbell and Baroness Stratheden slept at lodgings which he had frequently occupied as a circuiteer. On the morning after his arrival, the landlady obtained a special interview with Campbell, and in the baroness's absence thus addressed him, with mingled indignation and respectfulness:—"Sir John Campbell, I am a lone widow, and live by my good name. It is not in my humble place to be too curious about the ladies brought to my lodgings by counsellors and judges. It is not in me to make remarks if a counsellor's lady changes the colour of her eyes and her complexion every assizes. But, Sir John, a gentleman

If tradition may be credited, the law is greatly indebted to the class of women whom it was our forefathers' barbarous wont to punish with the ducking-stool. Had Coke been happy in his second marriage, it is assumed that he would have spent more time in pleasure and fewer hours at his desk, that the suitors in his court would have had less careful decisions, and posterity would have been favoured with fewer reports. If the inference is just, society may point to the commentary on Littleton, and be thankful for the lady's unhappy temper and sharp tongue. In like manner the wits of the following century maintained that Holt's steady application to business was a consequence of domestic misery. The lady who ruled his house in Bedford Row is said to have been such a virago that the Chief Justice frequently retired to his chambers, in order that he might place himself beyond reach of her voice. Amongst the good stories told of Radcliffe, the Tory physician, is the tradition of his boast that he kept Lady Holt alive out of pure political animosity to the Whig Chief Justice. Another eminent lawyer, over whose troubles people have made merry in the same fashion, was Jeffrey Gilbert, Baron of the Exchequer. At his death, October 14, 1726, this learned judge left behind him that mass of reports, histories, and treatises by which he is known as one of the most luminous as well as voluminous of legal writers. None of his works passed through the press during his life, and when their number and value were discovered after his departure to another world, it was whispered they had been composed in hours of banishment from a hearth where a *scolding wife* made misery for all who came within the range of her querulous notes.

Disappointed in his suit to his beautiful and domineering cousin, Bacon let some five or six years pass before he allowed his thoughts again to turn to love, and then he wooed and waited for nearly three years more, ere on a bright May day he met Alice Barnham in Marylebone Chapel, and made her his wife in the presence of a courtly company. In the

ought not to bring a lady to a lone widow's lodgings, unless so long as he 'okkipies' the apartments he makes all honourable professions that the lady is his wife, and as such gives her the use of his name."

July of 1603, he wrote to Cecil :—"For this divulged and almost prostituted title of knighthood, I could, without charge by your honour's mean, be content to have it, both because of this late disgrace, and because I have three new knights in my mess in Gray's Inn Commons, and because I have found out an alderman's daughter, a handsome maiden, to my liking. So as if your honour will find the time, I will come to the court from Gorhambury upon any warning." This expression, "an alderman's daughter," contributed greatly, if it did not give rise to, the misapprehension that Bacon's marriage was a mercenary arrangement. In these later times the social status of an alderman is so much beneath that of a distinguished member of the bar, that a successful queen's counsel who should make an offer to the daughter of a City magistrate would be regarded as bent upon a decidedly unambitious match; and if in a significant tone he spoke of the lady as "an alderman's daughter" his words might be reasonably construed as a hint that her fortune atoned for her want of rank. But it never occurred to Bacon's contemporaries to put such a construction on the announcement. Far from using the words in an apologetic manner, the lover meant them to express concisely that Alice Barnham was a lady of suitable condition to bear a title as well as to become his bride. Cecil regarded them merely as an assurance that his relative meditated a suitable and even advantageous alliance, just as any statesman of the present day would read an announcement that a kinsman, making his way in the law courts, intended to marry "an admiral's daughter" or a "bishop's daughter."

That it was the reverse of a mercenary marriage Mr. Hepworth Dixon has indisputably proved in his eighth chapter of "The Story of Lord Bacon's Life," where he contrasts Lady Bacon's modest fortune with her husband's personal acquisitions and prospects. "He was no longer poor. Besides the grants bestowed upon him by Elizabeth,—the reversion in the Star Chamber (not yet fallen in), the leases of Cheltenham and Charlton Kings, of Zelwood Forest and Twickenham Park,—Anthony's death had given him Gorhambury, where he now lived when not at Gray's Inn; and, more than all, the patent of Solicitor General might be sealed to him any week—a post

of three or four thousand pounds a year, with openings to higher office and greater pay, to the Privy Council, the Peerage, and the Seals."* This was Bacon's position in 1606, when Alice Barnham became his wife.

* The biographer continues:—"The wedding rite was performed at St. Marylebone Chapel, two miles from the Strand, among the lanes and suburbs winding towards the foot of Hampstead Hill. Who that is blessed with sympathy or poetry cannot see how that glad and shining party rode to the rural church on that sunny tenth of May? How the girls would laugh, and Sir John would joke, as they wound through lanes then white with thorn and the bloom of pears; how the bridesmaids scattered rosemary, and the groomsmen struggled for the kiss? Who cannot imagine that dinner in the Strand, though Salisbury would not come over to Sir John's lodging to kiss the bride? We know that the wit must have been good, for Bacon was there: we may trust Sir John for the quality of his wine. Alice brought to her husband two hundred and twenty pounds a year, with a further claim, on her mother's death, of one hundred and forty pounds a year. As Lady Pakington long outlived Bacon, that increase never came into his hands. Two hundred and twenty pounds a year was his wife's whole fortune. What was not spent in lace and satins for her bridal dress, he allowed her to invest for her separate use. From his own estate he settled on her five hundred pounds a year. How can such a marriage be called, on Bacon's side, a mercenary match?"

CHAPTER XXVIII.

REJECTED ADDRESSES.

NO lawyer of the Second Charles's time surpassed Francis North in love of money, or was more firmly resolved not to marry, without due and substantial consideration.

At first he was less fortunate than prudent. Thrice did he experience humiliating discomfiture before he "matched himself to his liking."

Let a few words be said about each of his four loves, as they are characteristic of the time as well as of the lover.

His first proposal was for the daughter of a Gray's Inn money-lender. Usury was not a less contemptible vocation in the seventeenth century than it is at the present time; and most young barristers of gentle descent and fair prospects would have preferred any lot to the degradation of marriage with the child of the most fortunate usurer in Charles II.'s London. But the Hon. Francis North was placed comfortably *beneath* the prejudices of his order and time of life. He was of noble birth, but quite ready to marry into a plebeian family: he was young, but loved money more than aught else. So his hearing was quickened and his blood beat merrily when, one fine morning, "there came to him a recommendation of a lady, who was an only daughter of an old usurer in Gray's Inn, supposed to be a good fortune in present, for her father was rich; but, after his death, to become worth, nobody could tell what." The words here quoted are taken from Roger North's version of this interesting affair. One would like to know how that "recommendation of a lady" reached the lawyer's chambers; above all, who sent it? Anyhow the suggestion struck home to a sensitive heart. "His lordship," continues Roger, "got a sight of the lady, and did not dislike

her; thereupon he made the old man a visit, and a proposal of himself to marry his daughter." By all means let this ingenuous, high-spirited Templar have fair judgment. He would not have sold himself to any woman. He required a *maximum* of wealth with a *minimum* of personal repulsiveness. He therefore "took a sight of the lady" (it does not appear that he talked with her) before he committed himself irrevocably by a proposal. The *sight* having been taken, as he did not dislike her (mind, he did not positively like her,) he made the old man a visit. Loving money, and believing in it, this "old man" wished to secure as much of it as possible for his only child; and therefore looking keenly at the youthful admirer of a usurer's heiress, "asked him what estate his father intended to settle upon him for present maintenance, jointure, and provision for children." Mildly and not unjustly Roger calls this "an inauspicious question." It was so inauspicious, that Mr. Francis North abruptly terminated the discussion by wishing the usurer good-morning. So ended Love Affair No. 1.

Now for No. 2 of the series.

Having lost his dear companion, Mr. Edward Palmer, son of the powerful Sir Geoffry Palmer, Mr. Francis North soon regarded his friend's wife with tender sympathy. Having enjoyed his chum's friendship, he now wished for his wife. It was only natural that he should desire to mitigate his sorrow for the dead by possession of the woman who was "left a flourishing widow, and very rich." But the lady knew her worth, as well she might, for "never was lady more closely besieged with wooers: she had no less than five younger sons sat down before her at one time, and she kept them well in hand, as they say, giving no definitive answers to any one of them." Small respect did Mistress Edward Palmer show her late husband's most intimate friend. For weeks she tortured the wretched, knavish fellow with coquettish tricks, and having rendered him miserable in many ways, made him ludicrous by jilting him. "He was held at the long saw above a month, doing his duty as well as he might, and that was but clumsily; for he neither dressed nor danced, when his rivals were adroit at both, and the lady used to shuffle her favours amongst them affectedly, and on purpose to mortify his lordship, and

at the same time be as civil to him, with like purpose to mortify them." 'Poor Mr. Francis! Well may his brother write indignantly, "It was very grievous to him — that had his thoughts upon his clients' concerns, which came in thick upon him—to be held in a course of bo-peep play with a crafty widow." At length, "after a clancular proceeding," this crafty widow, by marrying "a jolly knight of a good estate," set her victims free; and Mr. Francis was at liberty to look elsewhere for a lapful of money.

Matrimonial Overture No. 3.

Roger North tells the story of this third affair so concisely and pithily that his exact words must be put before the reader:— "Another proposition came to his lordship," writes the fraternal biographer, giving Francis North credit for the title he subsequently won, although at the time under consideration he was plain *Mister* North, on the keen look-out for the place of Solicitor General, "by a city broker, from Sir John Lawrence, who had many daughters, and those reputed beauties; and the fortune was to be 6000*l.* His lordship went and dined with the alderman, and liked the lady, who (as the way is) was dressed out for a muster. And coming to treat, the portion shrank to 5000*l.*, and upon that his lordship parted; and was not gone far before Mr. Broker (following) came to him, and said Sir John would give 500*l.* more at the birth of the first child; but that would not do, for his lordship hated such screwing. Not long after this dispute, his lordship was made the king's Solicitor General, and then the broker came again, with news that Sir John would give 10,000*l.* 'No,' his lordship said, 'after such usage he would not proceed if he might have 20,000*l.*'" The intervention of the broker in this negotiation is delightfully suggestive. More should have been said about him—his name, address, and terms for doing business. Was he paid for his services on all that he could save from a certain sum beyond which his employer would not advance a single gold-piece for the disposal of his child? Were there, in olden time, men who avowed themselves "Heart and Jointure Brokers, Agents for Lovers of both Sexes, Contractors of Mutual Attachments, Wholesale and Retail Dealers in Reciprocal Affection, and General

Referees, Respondents, and Insurers in all Sentimental Affairs, Clandestine or otherwise?"

After these mischances Francis North made an eligible match under somewhat singular circumstances. As co-heiresses of Thomas, Earl of Down, three sisters, the Ladies Pope, claimed, under certain settlements, large estates of inheritance, to which Lady Elizabeth Lee set up a counter-claim. North, acting as Lady Elizabeth Lee's counsel, effected a compromise which secured half the property in dispute to his client, and diminished by one-half the fortunes to which each of the three suitors on the other side had maintained their right. Having thus reduced the estate of Lady Frances Pope to a fortune estimated at about 14,000*l.*, the lawyer proposed for her hand, and was accepted. After his marriage, alluding to his exertions in behalf of Lady Elizabeth Lee's very disputable claim, he used to say that "he had been counsel against himself;" but Roger North frankly admits that "if this question had not come to such a composition, which diminished the ladies' fortunes, his brother had never compassed his match."

It was not without reluctance that the Countess of Down consented to the union of her daughter with the lawyer who had half ruined her, and who (though he was Solicitor General and in fine practice) could settle only 6000*l.* upon the lady. "I well remember," observes Roger, "the good countess had some qualms, and complained that she knew not how she could justify what she had done (meaning the marrying her daughter with no better settlement)." To these qualms Francis North, with lawyer-like coolness, answered—"Madam, if you meet with any question about that, *say* that your daughter has 1000*l.* per annum jointure."

The marriage was celebrated in Wroxton Church; and after bountiful rejoicings with certain loyalist families of Oxfordshire, the happy couple went up to London and lived in chambers,* until they moved into a house in Chancery Lane.

* "At length we decamped for London; and his lordship took, first, *lodgings*, and then a house. . . . . His lordship by means of his brother-in-law, Mr. Robert Hyde, settled himself in the great brick house near Serjeants' Inn, in Chancery Lane, which was formerly the Lord Chief Justice Hyde's; and that he held till he had the Great Seal, and some time after."—*Life of Lord Keeper Guildford.*

It may surprise some readers of this book to learn that George Jeffreys, the odious judge of the Bloody Circuit, was a successful gallant. Tall, well-shaped, and endowed by nature with a pleasant countenance and fine features, Jeffreys was one of the most fascinating men of his time. A wit and a *bon-vivant*, he could hit the humour of the roistering cavaliers who surrounded the "merry monarch;" a man of gallantry and polite accomplishments, he was acceptable to women of society. The same tongue that bullied from the bench, when witnesses were perverse or counsel unruly, could flatter with such melodious affectation of sincerity, that he was known as a most delightful companion. As a musical connoisseur he spoke with authority; as a teller of good stories he had no equal in town. Even those who detested him did not venture to deny that in the discharge of his judicial offices he could at his pleasure assume a dignity and urbane composure that well became the seat of justice. In short, his talents and graces were so various and effective, that he would have risen to the bench, even if he had laboured under the disadvantages of pure morality and amiable temper.

Women declared him irresistible. At court he had the ear of Nell Gwyn and the Duchess of Portsmouth—the Protestant favourite and the Catholic mistress; and before he attained the privilege of entering Whitehall—at a time when his creditors were urgent, and his best clients were the inferior attorneys of the city courts—he was loved by virtuous girls. He was still poor, unknown, and struggling with difficulties, when he induced an heiress to accept his suit,—the daughter of a rural squire whose wine the barrister had drunk upon circuit. This young lady was wooed under circumstances of peculiar difficulty; and she promised to elope with him if her father refused to receive him as a son-in-law. Ill-luck befell the scheme; and whilst young Jeffreys was waiting in the Temple for the letter which should decide his movements, an intimation reached him that elopement was impossible and union forbidden. The bearer of this bad news was a young lady—the child of a poor clergyman—who had been the confidential friend and paid companion of the squire's daughter.

The case was hard for Jeffreys, cruel for the fair messenger.

He had lost an advantageous match, she had lost her daily bread. Furious with her for having acted as the *confidante* of the clandestine lovers, the squire had turned this poor girl out of his house; and she had come to London to seek for employment as well as to report the disaster.

Jeffreys saw her overpowered with trouble and shame—penniless in the great city, and disgraced by expulsion from her patron's roof. Seeing that her abject plight was the consequence of amiable readiness to serve him, Jeffreys pitied and consoled her. Most young men would have soothed their consciences and dried the running tears with a gift of money or a letter recommending the outcast to a new employer. As she was pretty, a libertine would have tried to seduce her. In Jeffreys, compassion roused a still finer sentiment: he loved the poor girl and married her. On May 23, 1667, Sarah Neesham was married to George Jeffreys of the Inner Temple; and her father, in proof of his complete forgiveness of her *escapade*, gave her a fortune of 300*l.*—a sum which the poor clergyman could not well afford to bestow on the newly married couple.

Having outlived Sarah Neesham, Jeffreys married again—taking for his second wife a widow whose father was Sir Thomas Bludworth, ex-Lord Mayor of London. Whether rumour treated her unjustly it is impossible to say at this distance of time; but if reliance may be put on many broad stories current about the lady, her conduct was by no means free from fault. She was reputed to entertain many lovers. Jeffreys would have created less scandal if, instead of taking her to his home, he had imitated the pious Sir Matthew Hale, who married his maid-servant, and on being twitted by the world with the lowliness of his choice, silenced his censors with a broad jest.

Amongst the love affairs of seventeenth-century lawyers place must be made for mention of the second wife whom Chief Justice Bramston brought home from Ireland, where she had outlived two husbands (the Bishop of Clogher and Sir John Brereton), before she gave her hand to the judge who had loved her in his boyhood. "When I see her," says the Chief Justice's son, who describes the expedition to Dublin, and the return to London, "I confess I wondered at my father's love. She was low, fatt, red-faced; her dress, too, was a hat and ruff, which

tho' she never changed to death. But my father, I believe, seeing me change countenance, told me it was not beautie, but virtue, he courted. I believe she had been handsome in her youth; she had a delicate, fine hand, white and plump, and indeed proved a good wife and mother-in-law, too." On her journey to Charles I.'s London, this elderly bride, in her antiquated attire, rode from Holyhead to Beaumaris on a pillion behind her step-son. "As she rode over the sandes," records her step-son, "behind mee, and pulling off her gloves, her wedding-ringe fell off, and sunk instantly. She caused her man to alight; she sate still behind me, and kept her eye on the place, and directed her man, but he not guessing well, she leaped off, saying she would not stir without her ringe, it being the most unfortunate thinge that cold befall any one to lose the wedding-ringe—made the man thrust his hand into the sands (the nature of which is not to bear any weight but passing), he pulled up sand, but not the ringe. She made him strip his arme and put it deeper into the sand, and pulled up the ringe; and this done, he and shee, and all that stood still, were sunk almost to the knees, but we were all pleased that the ringe was found."

In the legal circle of Charles the Second's London, Lady King was notable as a virago whose shrill tongue disturbed her husband's peace of mind by day, and broke his rest at night. Earning a larger income than any other barrister of his time, he had little leisure for domestic society; but the few hours which he could have spent with his wife and children, he usually preferred to spend in a tavern, beyond the reach of his lady's sharp querulousness. "All his misfortune," says Roger North, "lay at home, in a perverse consort, who always after his day-labour done, entertained him with all the chagrin and peevishness imaginable; so that he went home as to his prison, or worse; and when the time came, rather than go home, he chose commonly to get a friend to go and sit in a free chat at the tavern, over a single bottle, till twelve or one at night, and then to work again at five in the morning. His fatigue in business, which, as I said, was more than ordinary to him, and his no comfort, or rather, discomfort at home, and taking his refreshment by excising his sleep, soon pulled him down; so

that, after a short illness, he died." On his death-bed, however, he forgave the weeping woman, who, more through physical irritability than wicked design, had caused him so much undeserved discomfort; and by his last will and testament he made liberal provision for her wants. Having made his will, "he said, I am glad it is done," runs the memoir of Sir John King, written by his father, "and after took leave of his wife, who was full of tears; seeing it is the will of God, let us part quietly in friendship, with submissiveness to His will, as we came together in friendship by His will."

CHAPTER XXIX.

"CICERO" UPON HIS TRIAL.

A COMPLETE history of the loves of lawyers would notice many scandalous intrigues and disreputable alliances, and would comprise a good deal of literature for which the student would vainly look in the works of our best authors. From the days of Wolsey, whose amours were notorious, and whose illegitimate son became Dean of Wells, down to the present time of brighter though not unimpeachable morality, the domestic lives of our eminent judges and advocates have too frequently invited satire and justified regret. In the eighteenth century judges, without any loss of *caste* or popular regard, openly maintained establishments that in these more decorous and actually better days would cover their keepers with obloquy. Attention could be directed to more than one legal family in which the descent must be traced through a succession of illegitimate births. Not only did eminent lawyers live openly with women who were not their wives, and children whom the law declined to recognise as their offspring; but these women and children moved in good society, apparently indifferent to shame that brought upon them but few inconveniences. In Great Ormond Street, where a mistress and several illegitimate children formed his family circle, Lord Thurlow was visited by bishops and deans; and it is said that in 1806, when Sir James Mansfield, Chief Justice of the Common Pleas, was invited to the woolsack and the peerage, he was induced to decline the offer more by consideration for his illegitimate children than by fears for the stability of the new administration.

Speaking of Lord Thurlow's undisguised intercourse with Mrs. Hervey, Lord Campbell says, "When I first knew the profession, it would not have been endured that any one in a

judicial situation should have had such a domestic establishment as Thurlow's, but a majority of judges had married their mistresses. The understanding then was that a man elevated to the bench, if he had a mistress, must either marry her or put her away. For many years there has been no necessity for such an alternative. The improvement in public morals, at the conclusion of the eighteenth century, may be mainly ascribed to George III. and his queen, who—though being unable to lay down any violent rule, or bring about any sudden change, they were obliged to wink at the irregularities of the Lord Chancellor—not only by their bright example, but by their well-directed efforts, greatly discouraged the profligacy which was introduced at the Restoration, and which continued with little abatement till their time." Whether the biographer exaggerates the beneficent influence of George III. and Queen Charlotte on public morals is a question open to discussion; but his testimony to the domestic immorality of the bar, when he first wore "stuff," cannot be set aside. His evidence regarding the social condition of the bench at a later period is less satisfactory. Either Lord Campbell had not the keen appetite for professional gossip, with which he is ordinarily credited, or his conscience must have pricked him when he wrote, "For many years there has been no necessity for such an alternative." To show how far his lordship erred through want of information or defect of candour is not the duty of this page; but without making any statement that can wound private feeling, the present writer may observe that "the understanding" to which Lord Campbell draws attention, has affected the fortunes of ladies within the present generation.

That the bright and high-minded Somers was the debauchee that Mrs. Manley and Mr. Cooksey would have us believe him is incredible. It is doubtful if Mackey in his "Sketch of Leading Characters at the English Court" had sufficient reasons for clouding his sunny picture of the statesman with the assertion that he was "something of a libertine." But there are occasions when prudence counsels us to pay attention to slander.

Having raised himself to the office of Solicitor General, Somers, like Francis Bacon, found an alderman's daughter to

his liking; and having formed a serious attachment for her, he made his wishes known to her father. Miss Anne Bawdon's father was a wealthy merchant, styled Sir John Bawdon—a man proud of his civic station and riches, and thinking lightly of lawyers and law. When Somers stated his property and projects, the rental of his small landed estate and the buoyancy of his professional income, the opulent knight by no means approved the prospect offered to his child. The lawyer might die in the course of twelve months; in which case the Worcestershire estate would be still a small estate, and the professional income would cease. In twelve months Mr. Solicitor might be proved a scoundrel, for at heart all lawyers were arrant rogues; in which case matters would be still worse. Having regarded the question from these two points of view, Sir John Bawdon gave Somers his dismissal and married Miss Anne to a rich Turkey merchant. Three years later, when Somers had risen to the woolsack, and it was clear that the rich Turkey merchant would never be anything grander than a rich Turkey merchant, Sir John saw that he had made a serious blunder, for which his child certainly could not thank him. A goodly list might be made of cases where papas have erred and repented in Sir John Bawdon's fashion. Sir John Lawrence would have made his daughter a Lord Chancellor's lady and a peeress, if he and his broker had dealt more liberally with Francis North. Had it not been for Sir Joseph Jekyll's counsel, Mr. Cocks, the Worcestershire squire, would have rejected Philip Yorke as an ineligible suitor, in which case *plain* Mrs. Lygon would never have been Lady Hardwicke, and worked her husband's twenty purses of state upon curtains and hangings of crimson velvet. And, if he were so inclined, this writer could point to a learned judge, who in his days of "stuff" and "guinea fees" was deemed an ineligible match for a country apothecary's pretty daughter. The country doctor being able to give his daughter 20,000*l.*, turned away disdainfully from the unknown "junior," who five years later was leading his circuit, and quickly rose to the high office which he still fills to the satisfaction of his country. The doctor's daughter in due course made a most "desirable alliance," marrying a cavalry officer of good family and dazzling expectations.

Poor thing! Her cavalry officer and the dazzling expectations have passed away: a Welsh slate quarry ate up the greater part of her fortune; and when last heard of, she and her five daughters were living on a pittance in the "cheap quarter" of a dull provincial town.

Disappointed in his pursuit of Anne Bawdon, Somers never again made any woman an offer of marriage; but scandalous gossip accused him of immoral intercourse with his housekeeper. This woman's name was Blount; and while she resided with the Chancellor fame whispered that her husband was still living. Not only was Somers charged with open adultery, but it was averred that for the sake of peace he had imprisoned in a madhouse his mistress's lawful husband, who was originally a Worcester tradesman. The chief authority for this startling imputation is Mrs. Manley, who was encouraged, if not actually paid, by Swift to lampoon his political adversaries. In her "New Atalantis," this shameless woman, aspersing the Whig lawyer, entertained quid-nuncs and women of fashion with the following passage:—"Cicero* himself (an oracle of wisdom) was whirled about by his lusts, at the pleasure of a fantastic worn-out mistress. He prostrated his immutable sense, reason, and good-nature, either to revenge or reward as her caprice directed; and what made this commerce more detestable, this mistress of his was a wife! Impious excess! Abominable adultery! Were there not enough of the frail race unmarried? Had not Sergius's immemorial assiduities corrupted enough of that order, but this patrician, this director of nations and imperial assemblies, must bring his pollutions to defile the marriage bed and corrupt a wife? Nay, which is more execrable, the wife of a friend. Was it not a good comedy, or rather farce, when you beheld this sententious man, this decisive orator, who by the enchantments of his persuasion left not even Destiny to herself, for Fate and Fortune were, whenever he spoke, his slaves. To see this great, this stupendous man, that could enchant an empire by the music of his voice, skulking in the obscure habit of a slave, hiding his face in an abject robe, as if that could conceal his vices, wait-

* "Cicero" was understood by Mrs. Manley's readers to signify "Lord Somers."

ing at a back-door to get undiscovered entrance into his own palace, after passing the guilty night in adultery with an infamous prostitute! And this not once or twice, but for months and years! Till his sin was become as confirmed a habit as his hypocrisy! The poor husband, distracted with his wrongs, grew incapable of following the necessary duties of his calling, by which neglect his maintenance fell, and he drank the bitter draught of poverty. The adulteress rioting in all the luxury of the East! shifting abodes, in scandalous by-corners, from place to place for fear the cuckold's prerogative should seize upon the ornaments and riches of his wife as lawful spoil, which, when he was so lucky to do, the vindictive patrician interposed with a thorough revenge, first casting him into a loathsome prison, where, when he had sufficiently languished, a warrant was produced from the gaoler to deliver his prisoner to some persons, who receiving him into their custody disposed of him in such sort, that to this day he has never been heard of. Let the idolaters consider how much they ought to pride themselves in the morality, religion, and virtue of this Atlas of their empire."

At a time when honest writers on current politics were punished with fine and imprisonment, the pillory and the whip, statesmen and ecclesiastics were not ashamed to keep such libellers as Mrs. Manley in their pay. That the reader may fully appreciate the change which time has wrought in the tone of political literature, let him contrast the virulence and malignity of this unpleasant passage from the New Atalantis, with the tone which recently characterized the public discussion of the case which is generally known by the name of "The Edmunds Scandal."

Notwithstanding her notorious disregard of truth, it is scarcely credible that Mrs. Manley's scurrilous charge was in no way countenanced by facts. At the close of the seventeenth century to keep a mistress was scarcely regarded as an offence against good morals; and living in accordance with the fashion of the time, it is probable that Somers did that which Lord Thurlow, after an interval of a century, was able to do without rousing public disapproval. Had his private life been spotless, he would doubtless have taken legal steps to silence

his traducer; and unsustained by a knowledge that he dared not court inquiry into his domestic arrangements, Mrs. Manley would have used her pen with greater caution. But all persons competent to form an opinion on the case, have agreed that the more revolting charges of the indictment were the baseless fictions of a malicious and unclean mind.

CHAPTER XXX.

BROTHERS IN TROUBLE.

IN the "Philosophical Dictionary" Voltaire, labouring under misapprehension or carried away by perverse humour, made the following strange announcement:—"Il est public en Angleterre, et on voudroit le nier en vain, que le Chancelier Cowper épousa deux femmes, qui vécurent ensemble dans sa maison avec une concorde singulière qui fit honneur à tous trois. Plusieurs curieux ont encore le petit livre que ce Chancelier composa en faveur de la Polygamie." Tickled by the extravagant credulity or grotesque malice of this declaration, an English wit, improving upon the published words, represented the Frenchman as maintaining that the custodian of the Great Seal of England was called the *Lord Keeper*, because, by English law, he was permitted to keep as many wives as he pleased.

The reader's amusement will not be diminished by a brief statement of the facts to which we are indebted for Voltaire's assertions.

William Cowper, the first earl of his line, began life with a reputation for dissipated tastes and habits, and by unpleasant experience he learned how difficult it is to get rid of a bad name. The son of a Hertfordshire baronet, he was still a law-student when he formed a reprehensible connexion with an unmarried lady of that county—Miss (or, as she was called by the fashion of the day, Mistress) Elizabeth Culling, of Hertingfordbury Park. But little is known of this woman. Her age is an affair of uncertainty, and all the minor circumstances of her intrigue with young William Cowper are open to doubt and conjecture; but the few known facts justify the inference that she neither merited nor found much pity in her disgrace, and

that William erred through boyish indiscretion rather than vicious propensity. She bore him two children, and he neither married her nor was required by public opinion to marry her. The respectability of their connexions gave the affair a peculiar interest, and afforded countenance to many groundless reports. By her friends it was intimated that the boy had not triumphed over the lady's virtue until he had made her a promise of marriage; and some persons even went so far as to assert that they were privately married. It is not unlikely that at one time the boy intended to make her his wife as soon as he should be independent of his father, and free to please himself. Beyond question, however, is it that they were never united in wedlock, and that Will Cowper joined the Home Circuit with the tenacious fame of a scapegrace and *roué* clinging to him.

That he was for any long period a man of dissolute morals is improbable; for he was only twenty-four years of age when he was called to the bar, and before his call he had married (after a year's wooing) a virtuous and exemplary young lady, with whom he lived happily for more than twenty years. A merchant's child, whose face was her fortune—Judith, the daughter of Sir Robert Booth, is extolled by biographers for reclaiming her young husband from a life of levity and culpable pleasure. That he loved her sincerely from the date of their imprudent marriage till the date of her death, which occurred just about six months before his elevation to the woolsack, there is abundant evidence.

Judith died April 2, 1705, and in the September of the following year the Lord Keeper married Mary Clavering, the beautiful and virtuous lady of the bedchamber to Caroline Wilhelmina Dorothea, Princess of Wales. This lady was the Countess Cowper whose diary was published by Mr. Murray in the spring of 1864; and in every relation of life she was as good and noble a creature as her predecessor in William Cowper's affection. Of the loving terms on which she lived with her lord, conclusive testimony is found in their published letters and her diary. Frequently separated by his professional avocations and her duties of attendance upon the Princess of Wales, they maintained, during the periods of personal severance, a close

and tender intercourse by written words;* and at all other times, in sickness not less than in health, they were a fondly united couple. One pathetic entry in the countess's diary speaks eloquently of their nuptial tenderness and devotion :—"April 7th, 1716. After dinner we went to Sir Godfrey Kneller's to see a picture of my lord, which he is drawing, and is the best that was ever done for him; it is for my drawing-room, and in the same posture that he watched me so many weeks in my great illness."

Lord Cowper's second marriage was solemnized with a secrecy for which his biographers are unable to account. The event took place in September 1706, about two months before his father's death, but it was not announced till the end of

* Their letters, besides illustrating their mutual affection, contain many startling pictures of social usages. In the following extract from a letter written by the earl to his countess, the reader obtains unpleasant evidence of the harshness with which even humane parents were accustomed to treat children of tender years in the "good old times :"—"I beg you to present my humble and sincerest duty to the prince and princess. I fear I may suffer there by not being more at court; but you know I went but once a fortnight in the queen's time, and I am sure 'tis impossible for me to hope to bear the fatigues of the season of public business if the little vacation I have should be most of it spent on the road, or in the inconveniences attending a lodging and court hours. Besides, I assure you, the presence of one of us here is necessary in respect of the children; your sister is prudent, but they don't stand in awe of her, and there was no living till the birch was planted in my room, where some little action has diminished it." The letter from which this extract is taken bears date August 16, 1716, when the Earl and Mary Clavering had not been married quite ten years. His first wife having died without issue, the children upon whom his lordship broke up an instrument of torture must have been his four children by his second wife, the eldest of whom, a girl, could not have been much more than nine years of age. To reflect on such barbarity makes the flesh creep. It is said that Coke used to drill his daughters with the stick of his fan; but they were grown women, physically able to endure blows. Sir Thomas More used to give his children sweetmeats when they were good, and corporal punishment when they were naughty, but that he administered stripes which scarcely caused momentary pain he explains in the verses—

"Inde est vos ego quod soleo pavisse placenta
Mitia cum pulchris et dare mala piris.
Inde quod et serum textis ornare solebam,
Quod nunquam potui vos ego flere pati;
Scitis enim quàm crebra dedi oscula, verbera rara,
Flagrum pavonis non nisi cauda fuit.
Hanc tamen admovi timideque et molliter ipsam,
Ne vibex teneras signet amara nates.
Ah! ferus est, dicique pater non ille meretur,
Qui lachrymas nati non fleat ipse sui."

February 1707, at which time Luttrell entered in his diary, "The Lord Keeper, who not long since was privately married to Mrs. Clavering, of the bishoprick of Durham, brought her home this day." Mr. Foss, in his "Judges of England," suggests that the concealment of the union "may not improbably be explained by the Lord Keeper's desire not to disturb the last days of his father, who might perhaps have been disappointed that the selection had not fallen on some other lady to whom he had wished his son to be united." But this conjecture, notwithstanding its probability, is only a conjecture. Unless they had grave reasons for their conduct, the Lord Keeper and his lady had better have joined hands in the presence of the world, for the mystery of their private wedding nettled public curiosity, and gave new life to an old slander.

Cowper's boyish *escapade* was not forgotten by the malicious. No sooner had he become conspicuous in his profession and in politics, than the story of his intercourse with Miss Culling was told in coffee-rooms with all the exaggerations that prurient fancy could devise or enmity dictate. The old tale of a secret marriage—or, still worse, of a mock marriage—was caught from the lips of some Hertford scandal-monger, and conveyed to the taverns and drawing-rooms of London. In taking Sir Robert Booth's daughter to church, he was said to have committed bigamy. Even while he was in the House of Commons he was known by the name of "Will Bigamy;" and that *sobriquet* clung to him ever afterwards. Twenty years of wholesome domestic intercourse with his first wife did not free him from the abominable imputation, and his marriage with Miss Clavering revived the calumny in a new form. Fools were found to believe that he had married her during Judith Booth's life, and that their union had been concealed for several years instead of a few months. The affair with Miss Culling was for a time forgotten, and the charge preferred against the keeper of the queen's conscience was bigamy of a much more recent date.

In various forms this ridiculous accusation enlivens the squibs of the pamphleteers of Queen Anne's reign. In the "New Atalantis" Mrs. Manley certified that the fair victim was first persuaded by his lordship's sophistries to regard

polygamy as accordant with moral law. Having thus poisoned her understanding, he gratified her with a form of marriage, in which his brother Spencer, in clerical disguise, acted the part of priest. It was even suggested that the bride in this mock marriage was the lawyer's ward. Never squeamish about the truth, when he could gain a point by falsehood, Swift endorsed the spiteful fabrication, and in the *Examiner*, pointing at Lord Cowper, wrote—"This gentleman, knowing that marriage fees were a considerable perquisite to the clergy, found out a way of improving them cent. per cent. for the benefit of the Church. His invention was to marry a second wife while the first was alive; convincing her of the lawfulness by such arguments as he did not doubt would make others follow the same example. *These he had drawn up in writing with intention to publish for the general good, and it is hoped he may now have leisure to finish them.*" It is possible that the words in italics were the cause of Voltaire's astounding statement: "Plusieurs curieux ont encore le petit livre que ce Chancelier composa en faveur de la Polygamie." On this point Lord Campbell, confidently advancing an opinion which can scarcely command unanimous assent, says, "The fable of the '*Treatise*' is evidently taken from the panegyric on 'a plurality of wives,' which Mrs. Manley puts into the mouth of Lord Cowper, in a speech supposed to be addressed by Hernando to Louisa. Much of it is too gross to be read, but an innocent specimen of it may be given:—'The law of nature, as well as the custom of many nations and most religions, declare for polygamy. The ancient Hebrews indulged in plurality of wives and unlimited use of concubinage. The Turks, and all the people in the world but the Europeans, still preserve the privilege. It is to be owned their manner in all things is less adulterated than ours; their vervacity, morality, and habit of living less corrupted. In pretending to reform their abuses, Europe has only refined their vices." But whether Voltaire accepted the "New Atalantis," or the *Examiner*, as an authority for the statements of his very laughable passage, it is scarcely credible that he believed himself to be penning the truth. The most reasonable explanation of the matter appears to be, that tickled by Swift's venomous

lines, the sarcastic Frenchman in malice and gaiety adopted them, and added to their piquancy by the assurance that the Chancellor's book was not only published, but was preserved by connoisseurs as a literary curiosity.

Like his elder brother, the Chancellor, Spencer Cowper married at an early age, lived to wed a second wife, and was accused of immorality that was foreign to his nature. The offence with which the younger Cowper was charged, created so wide and profound a sensation, and gave rise to such a memorable trial, that the reader will like to glance at the facts of the case.

Born in 1669, Spencer Cowper was scarcely of age when he was called to the bar, and made Comptroller of the Bridge House Estate. The office, which was in the gift of the corporation of London, provided him with a good income, together with a residence in the Bridge House, St. Olave's, Southwark, and brought him in contact with men who were able to bring him briefs or recommend him to attorneys. For several years the boy-barrister was thought a singularly lucky fellow. His hospitable house was brightened by a young and lovely wife (Pennington, the daughter of John Goodeve), and he was so much respected in his locality that he was made a justice of the peace. In his profession he was equally fortunate: his voice was often heard at Westminster and on the Home Circuit, the same circuit where his brother William practised and his family interest lay. He found many clients.

Envy is the shadow of success; and the two Cowpers were watched by men who longed to ruin them. From the day when they armed and rode forth to welcome the Prince of Orange, the lads had been notably fortunate. Notwithstanding his reputation for immorality William Cowper had sprung into lucrative practice, and in 1695 was returned to Parliament as representative for Hertford, the other seat for the borough being filled by his father, Sir William Cowper.

In spite of their comeliness and complaisant manners, the lightness of their wit and the *prestige* of their success, Hertford heard murmurs that the young Cowpers were *too* lucky by half, and that the Cowper interest was dangerously powerful in the borough. It was averred that the Cowpers were

making unfair capital out of liberal professions: and when the Hertford Whigs sent the father and son to the House of Commons, the vanquished party cursed in a breath the Dutch usurper and his obsequious followers.

It was resolved to damage the Cowpers:—by fair means or foul, to render them odious in their native town.

Ere long the malcontents found a good cry.

Scarcely less odious to the Hertford Tories than the Cowpers themselves was an influential quaker of the town, named Stout, who actively supported the Cowper interest. A man of wealth and good repute, this follower of George Fox exerted himself enthusiastically in the election contest of 1695: and in acknowledgment of his services the Cowpers honoured him with their personal friendship. Sir William Cowper asked him to dine at Hertford Castle—the baronet's country residence; Sir William's sons made calls on his wife and daughter. Of course these attentions from Cowpers to "the Shaker" were offensive to the Tory magnates of the place: and they vented their indignation in whispers, that the young men never entered Stout's house without kissing his pretty daughter.

While these rumours were still young, Mr. Stout died, leaving considerable property to his widow, and to his only child—the beauteous Sarah; and after his death the intercourse between the two families became yet more close and cordial. The lawyers advised the two ladies about the management of their property: and the baronet gave them invitations to his London house in Hatton Garden, as well as to Hertford Castle. The friendship had disastrous consequences. Both the brothers were very fascinating men—men, moreover, who not only excelled in the art of pleasing, but, who also habitually exercised it. From custom, inclination, policy, they were very kind to the mother and daughter; probably paying the latter many compliments which they would never have uttered had they been single men. Coming from an unmarried man the speech is often significant of love, which on the lips of a husband is but the language of courtesy. But, unfortunately, Miss ("Mistress" is her style in the report of a famous trial) Sarah Stout fell madly in love with Spencer Cowper, notwithstanding the impossibility of marriage.

Not only did she conceive a dangerous fondness for him, but she openly expressed it—by speech and letters. She visited him in the Temple, and persecuted him with her embarrassing devotion whenever he came to Hertford. It was a trying position for a young man not thirty years of age, with a wife to whom he was devotedly attached, and a family whose political influence in his native town might be hurt by a publication of the girl's folly. Taking his elder brother into his confidence, he asked what course he ought to pursue. To withdraw totally and abruptly from the two ladies, would be cruel to the daughter, insulting to the mother; moreover, it would give rise to unpleasant suspicions and prejudicial gossip in the borough. It was decided that Spencer must repress the girl's advances—must see her less frequently—and, by a reserved and frigid manner, must compel her to assume an appearance of womanly discretion. But the plan failed.

At the opening of the year 1699 she invited him to take up his quarters in her mother's house, when he came to Hertford at the next Spring Assizes. This invitation he declined, saying that he had arranged to take his brother's customary lodgings in the house of Mr. Barefoot, in the Market Place, but with manly consideration he promised to call upon her. "I am glad," Sarah wrote to him on March 5, 1699, "you have not quite forgot there is such a person as I in being: but I am willing to shut my eyes and not see anything that looks like unkindness in you, and rather content myself with what excuses you are pleased to make, than be inquisitive into what I must not know: I am sure the winter has been too unpleasant for me to desire the continuance of it: and I wish you were to endure the sharpness of it but for one short hour, as I have done for many long nights and days, and then I believe it would move that rocky heart of yours that can be so thoughtless of me as you are."

On Monday, March 13, following the date of the words just quoted, Spencer Cowper rode into Hertford, alighted at Mrs. Stout's house, and dined with the ladies. Having left the house after dinner, in order that he might attend to some business, he returned in the evening and supped with the two women. Supper over, Mrs. Stout retired for the night, leav-

ing her daughter and the young barrister together. No sooner had the mother left the room, than a distressing scene ensued.

Unable to control or soothe her, Spencer gently divided the clasp of her hands, and having freed himself from her embrace, hastened from the room and abruptly left the house. He slept at his lodgings; and the next morning he was horror-struck on hearing that Sarah Stout's body had been found drowned in the mill-stream behind her old home. That catastrophe had actually occurred. Scarcely had the young barrister reached the Market Place, when the miserable girl threw herself into the stream from which her lifeless body was picked on the following morning. At the coroner's inquest which ensued, Spencer Cowper gave his evidence with extreme caution, withholding every fact that could be injurious to Sarah's reputation; and the jury returned a verdict that the deceased gentlewoman had killed herself whilst in a state of insanity.

In deep dejection, Spencer Cowper continued the journey of the circuit.

But the excitement of the public was not allayed by the inquest and subsequent funeral. It was rumoured that it was no case of self-murder, but a case of murder by the barrister, who had strangled his dishonoured victim, and had then thrown her into the river. Anxious to save their sect from the stigma of suicide the Quakers concurred with the Tories in charging the young man with a hideous complication of crimes. The case against Spencer was laid before Chief Justice Holt, who at first dismissed the accusation as absurd, but was afterwards induced to commit the suspected man for trial; and in the July of 1699 the charge actually came before a jury at the Hertford Assizes. Four prisoners—Spencer Cowper, two attorneys, and a law-writer—were placed in the dock on the charge of murdering Sarah Stout.

On the present occasion there is no need to recapitulate the ridiculous evidence and absurd misconduct of the prosecution in this trial; though criminal lawyers who wish to know what unfairness and irregularities were permitted in such inquiries in the seventeenth century, cannot do better than peruse the full

report of the proceedings, which may be found in every comprehensive legal library. In this place it is enough to say that though the accusation was not sustained by a shadow of legal testimony, the prejudice against the prisoners, both on the part of a certain section of the Hertford residents and the presiding judge, Mr. Baron Hatsel, was such that the verdict for acquittal was a disappointment to many who heard it proclaimed by the foreman of the jury. Narcissus Luttrell, indeed, says that the verdict was "to the satisfaction of the auditors;" but in this statement the diarist was unquestionably wrong, so far as the promoters of the prosecution were concerned. Instead of accepting the decision without demur, they attempted to put the prisoners again on their trial by the obsolete process of "appeal of murder;"* but this endeavour proving abortive, the case was disposed of, and the prisoners' minds set at rest.

The barrister who was thus tried on a capital charge, and

* Lord Campbell says:—"There were various hearings on the subject before Lord Keeper Wright, who called to his assistance the Master of the Rolls, Lord Chief Justice Treby, Lord Chief Baron Ward, and Mr. Justice Powell. William Cowper attended as counsel for his brother, and argued the case for him with great talent; his energy being stimulated, not subdued, by the anxiety which he felt. No misgiving was ever felt by him for a moment respecting Spencer's innocence, but, considering the perverted and infuriated state of the public mind, it was of the highest importance that the risk of a mistaken verdict should not be run. Upon a capital conviction in this form of proceeding, the Crown had no power to pardon. On account of an informality, the first appeal was quashed, and the Lord Keeper, with the unanimous concurrence of his predecessors, refused to issue a writ for another." This statement is not free from Lord Campbell's characteristic looseness of diction. Mr. Foss correctly explains the case thus:—"The law allowed an appeal of murder to be made within a year and a day after the death by the next heir of the deceased. Such an heir was immediately found, who was an infant; but instead of at once obtaining the necessary writ, the prosecutors purposely delayed issuing it till three or four days before the expiration of the term; and this they did without the knowledge or consent of the infant heir, the nominal appellant, or of his mother, who were not even made acquainted with the proceeding for a month afterwards. Naturally disgusted at the prosecutor's conduct, they applied for and obtained from the sheriff the writ and return, which they forthwith put in the fire. This the prosecutors endeavoured to remedy by applying to the Lord Keeper for a new writ, which he, assisted by four learned judges, very properly refused, on the ground that the first writ had been clandestinely and fraudulently procured, that it was absolutely renewed by the pretended plaintiff, and the delay in its issue showed that the prosecutors did not design justice, but to spin out a scandal as long as they could, maliciously and vexatiously."

narrowly escaped a sentence that would have consigned him to an ignominious death, resumed his practice in the law courts, sat in the House of Commons, and rose to be a judge in the Court of Common Pleas. It is said that he "presided on many trials for murder; ever cautious and mercifully inclined —remembering the great peril which he himself had undergone."

The same writer who aspersed Somers with her unchaste thoughts, and reiterated the charge of bigamy against Lord Chancellor Cowper, did not omit to give a false and malicious version to the incidents which had acutely wounded the fine sensibilities of the younger Cowper. But enough notice has been taken of the "New Atalantis" in this chapter. To that repulsive book we refer those readers who may wish to peruse Mrs. Manley's account of Sarah Stout's death.

A distorted tradition of Sarah Stout's tragic end, and of Lord Cowper's imputed bigamy, was contributed to an early number of the "European" by a clerical authority—the Rev. J. Hinton, Rector of Alderton, in Northamptonshire. "Mrs. Sarah Stout," says the writer, "whose death was charged upon Spencer Cowper, was strangled accidentally by drawing the steenkirk too tight upon her neck, as she, with four or five young persons, were at a game of romp upon the staircase; but it was not done by Mr. Cowper, though one of the company. Mrs. Clavering, Lord Chancellor Cowper's second wife, whom he married during the life of his first, was there too; they were so confounded with the accident, that they foolishly resolved to throw her into the water, thinking it would pass that she had drowned herself." This charming paragraph illustrates the vitality of scandal, and at the same time shows how ludicrously rumour and tradition mistell stories in the face of evidence.

Spencer Cowper's second son, the Rev. John Cowper, D.D., was the father of William Cowper, the poet. The first known poet of the family was Lord Chancellor Cowper's great-grandfather, the old royalist baronet, who established the Cowpers in Hertford Castle, and erected a monument to Hooker, on which he placed the familiar inscription :—

"Tho' nothing can be spoke worthy his fame,
Or the remembrance of that precious name,
Judicious Hooker; tho' this cost be spent
On him that hath a lasting monument
In his own books; yet ought we to express,
If not his worth, yet our respectfulness."

There is no need to transcribe the lines of Milton, with which these verses on Hooker's monument are inseparably associated in the mind of every reader of English literature.

CHAPTER XXXI.

EARLY MARRIAGES.

NOTWITHSTANDING his illustrious descent, Simon Harcourt raised himself to the woolsack by his own exertions, and was in no degree indebted to powerful relatives for his elevation. The son of a knight, whose loyalty to the House of Stuart had impoverished his estate, he spent his student-days at Pembroke, Oxford, and the Inner Temple, in resolute labour, and with few indulgences. His father could make him but a slender allowance; and when he assumed the gown of a barrister, the future Chancellor, like Erskine in after years, was spurred to industry by the voices of his wife and children. Whilst he was still an undergraduate of the university, he fell in love with Rebecca Clark, daughter of a pious man, of whose vocation the modern peerages are ashamed. Sir Philip Harcourt (the Chancellor's father) in spite of his loyalty quarrelled with the Established Church, and joined the Presbyterians: and Thomas Clark was his Presbyterian chaplain, secretary, and confidential servant. Great was Sir Philip's wrath on learning that his boy had not only fallen in love with Rebecca Clark, but had married her privately. It is probable that the event lowered the worthy knight's esteem for the Presbyterian system; but as anger could not cut the nuptial bond the father relented—gave the young people all the little assistance he could, and hoped that they would live long without repenting their folly. The match turned out far better than the old knight feared. Taking his humble bride to modest chambers, young Harcourt applied sedulously to the study of the law; and his industry was rewarded by success, and by the gratitude of a dutiful wife. In unbroken happiness they lived together for a succession of years, and their union was fruitful of children.

Harcourt fared better with his love-match than Sergeant Hill with his heiress, Miss Medlycott of Cottingham, Northamptonshire. On the morning of his wedding the eccentric sergeant having altogether forgotten his most important engagement for the day, received his clients in chambers after his usual practice, and remained busy with professional cares until a band of devoted friends forcibly carried him to the church, where his bride had been waiting for him more than an hour. The ceremony having been duly performed, he hastened back to his chambers, to be present at a consultation. Notwithstanding her sincere affection for him, the lady proved but an indifferent wife to the black-letter lawyer. Empowered by Act of Parliament to retain her maiden-name after marriage, she showed her disesteem for her husband's patronymic by her mode of exercising the privilege secured to her by special law; and many a time the sergeant indignantly insisted that she should use his name in her signatures. "My name is Hill, madam; my father's name was Hill, madam; all the Hills have been named Hill, madam; Hill is a good name—and by ——, madam, you *shall* use it." On other matters he was more compliant—humouring her old-maidish fancies in a most docile and conciliating manner. Curiously neat and orderly Mrs. Medlycott took great pride in the faultlessness of her domestic arrangements, so far as cleanliness and precise order were concerned. To maintain the whiteness of the pipe-clayed steps before the front door of her Bedford Square mansion, was a chief object of her existence; and to gratify her in this particular, Sergeant Hill used daily to leave his premises by the kitchen steps. Having outlived the lady, Hill observed to a friend who was condoling with him on his recent bereavement, "Ay, my poor wife is gone! She was a good sort of woman—in *her* way a *very* good sort of woman. I do honestly declare my belief that in *her* way she had no equal. But—but—I'll tell you something in confidence. If ever I marry again, *I wont marry merely for money.*" The learned Sergeant died in his ninety-third year without having made a second marriage.

Like Harcourt, John Scott married under circumstances that called forth many warm expressions of censure; and like Harcourt, he, in after life, reflected on his imprudent marriage

as one of the most fortunate steps of his earlier career. The romance of the law contains few more pleasant episodes than the story of handsome Jack Scott's elopement with Bessie Surtees. There is no need to tell in detail how the comely Oxford scholar danced with the banker's daughter at the Newcastle assemblies; how his suit was at first recognised by the girl's parents, although the Scotts were but rich "fitters," whereas Aubone Surtees, Esquire, was a banker and gentleman of honourable descent; how, on the appearance of an aged and patrician suitor for Bessie's hand, papa and mamma told Jack Scott not to presume on their condescension, and counselled Bessie to throw her lover over and become the lady of Sir William Blackett; how Bessie was faithful, and Jack was urgent; how they had secret interviews on Tyne-side and in London, meeting clandestinely on horseback and on foot, corresponding privately by letters and confidential messengers; how, eventually, the lovers, to the consternation of "good society" in Newcastle, were made husband and wife at Blackshiels, North Britain. Who is ignorant of the story? Does not every visitor to Newcastle pause before an old house in Sandhill, and look up at the blue pane which marks the window from which Bessie descended into her lover's arms?

Jack and Bessie were not punished by even that brief period of suffering and uncertainty which conscientious novelists are accustomed, for the sake of social morals, to assign to runaway lovers before the merciful guardian or tender parent promises forgiveness and a liberal allowance, paid in quarterly instalments. In his old age Eldon used to maintain that their plight was very pitiable on the third morning after their rash union. "Our funds were exhausted: we had not a home to go to, and we knew not whether our friends would ever speak to us again." In this strain ran the veteran's story, which, like all other anecdotes from the same source, must be received with caution. But even the old peer, ever ready to exaggerate his early difficulties, had not enough effrontery to represent that their dejection lasted more than three days. The fathers of the bride and bridegroom soon met and came to terms, and with the beginning of the new year Bessie Scott was living in New Inn Hall, Oxford, whilst her husband read

Vinerian Lectures, and presided over that scholastic house. The position of Scott at this time was very singular. He was acting as substitute for Sir Robert Chambers, the Principal of New Inn Hall and Vinerian Professor of Law, who contrived to hold his university preferments, whilst he discharged the duties of a judge in India. To give an honest colour to this indefensible arrangement, it was provided that the lectures read from the Vinerian Chair should be actually written by the Professor, although they were delivered by deputy. Scott, therefore, as the Professor's mouth-piece, on a salary of 60*l.* a year, with free quarters in the Principal's house, was merely required to read a series of treatises sent to him by the absent teacher. "The law-professor," the ex-Chancellor used to relate with true Eldonian humour and *fancy* — "sent me the first lecture which I had to read immediately to the students, and which I began without knowing a single word that was in it. It was upon the statute (4 and 5 P. and M. c. 8), 'of young men running away with maidens.' Fancy me reading, with about 140 boys and young men all giggling at the Professor! Such a tittering audience no one ever had." If this incident really occurred on the occasion of his "first reading," the laughter must have been inextinguishable; for, of course, Jack Scott's run-away marriage had made much gossip in Oxford Common Rooms, and the singular loveliness of his girlish wife (described by an eye-witness as being "so very young as to give the impression of childhood,") stirred the heart of every undergraduate who met her in High Street.

There is no harm done by laughter at the old Chancellor's romantic fictions about the poverty which he and his Bessie encountered, hand in hand, at the outset of life; for the laughter blinds no one to the genuine affection and wholesome honesty of the young husband and wife. One has reason to wish that marriages such as theirs were more frequent amongst lawyers in these ostentatious days. At present the young barrister, who marries before he has a clear fifteen hundred a year, is charged with reckless imprudence: and unless his wife is a woman of fortune, or he is able to settle a heavy sum of money upon her, his anxious friends terrify him with pictures of want and sorrow stored up for him in the future. Society

will not let him live after the fashion of "juniors" eighty or a hundred years since. He must maintain two establishments—his chambers for business, his house in the west-end of town for his wife. Moreover, the lady must have a brougham and liberal pin-money, or four or five domestic servants and a drawing-room well furnished with works of art and costly decorations. They must give state-dinners and three or four routs every season; and in all other matters their mode of life must be, or seem to be, that of the upper ten thousand. Either they must live in this style, or be pushed aside and forgotten. The choice for them lies between very expensive society or none at all—that is to say, none at all amongst the rising members of the legal profession, and the sort of people with whom young barristers, from prudential motives, wish to form acquaintance. Doubtless many a fair reader of this page is already smiling at the writer's simplicity, and is saying to herself, "Here is one of the advocates of marriage on three hundred a year."

But this writer is not going to advocate marriage on that or any other particular sum. From personal experience he knows what comfort a married man may have for an outlay of three or four hundred per annum; and from personal observation he knows what privations and ignominious poverty are endured by unmarried men who spend twice the larger of those sums on chamber-and-club life. He knows that there are men who shiver at the bare thought of losing caste by marriage with a portionless girl, whilst they are complacently leading the life which, in nine cases out of ten, terminates in the worst form of social degradation—matrimony where the husband blushes for his wife's early history, and dares not tell his own children the date of his marriage certificate. If it were his pleasure he could speak sad truths about the bachelor of modest income, who is rich enough to keep his name on the books of two fashionable clubs, to live in a good quarter of London, and to visit annually continental capitals, but far too poor to think of incurring the responsibilities of marriage. It could be demonstrated that in a great majority of instances this wary, prudent, selfish gentleman, instead of being the social success which many simple people believe him, is a signal

and most miserable failure; that instead of pursuing a career of various enjoyments and keen excitements, he is a martyr to *ennui*, bored by the monotony of an objectless existence, utterly weary of the splendid clubs, in which he is presumed by unsophisticated admirers to find an ample compensation for the want of household comfort and domestic affection: that as soon as he has numbered forty years, he finds the roll of his friends and cordial acquaintances diminish, and is compelled to retire (with good grace) before younger men, who snatch from his grasp the prizes of social rivalry; and that, as each succeeding lustre passes, he finds the chain of his secret disappointments and embarrassments more galling and heavy.

But to pursue this grand social question is not this writer's purpose.

Without presuming to lecture his betters, he may, however, doubt the wisdom of a system which, in this great London, of whose splendour and civilization we are so proud, keeps apart young men and young gentlewomen, consigning the latter to cheerless celibacy, and condemning the former to one form of monastic asceticism, or something worse: whereas, by more sagacious arrangements, they might be husbands and wives, fathers and mothers,—contented, prosperous, and hopeful. It is not a question of marriage on three hundred a year without prospects, but of marriage on five or six hundred a year with good expectations. In the Inns of Court there are, at the present time, scores of clever, industrious, fine-hearted gentlemen who have sure incomes of three or four hundred pounds per annum. In Tyburnia and Kensington there is an equal number of young gentlewomen with incomes varying between 150*l.* and 300*l.* a year. These men and women see each other at balls and dinners, in the parks and at theatres; the ladies would not dislike to be wives, the men are longing to be husbands. But that hideous tyrant, social opinion, bids them avoid marriage. 'The world' says to each of these young gentlewomen,—"As a member of a rich man's household you drive about town in a well-appointed carriage, have a hundred a year for your pocket-money, enjoy the pleasures of the London season and many luxuries: you may not think of marrying unless your young husband can keep up very

much the same appearance as your father. If, as a wife, you have no carriage, no mansion in 'Vanity Fair,' no money for indulgences, you will have suffered social degradation. Your father, mother, brothers, sisters will be very kind and magnanimous to you; but in their hearts they will be ashamed of you. As a matter of course, your cousins will cut you." What can the young gentlewoman do? She does not want a carriage, fine dresses, and a costly establishment: for herself she could be thoroughly happy for years to come—with love and six hundred a year; but like a good, affectionate girl, she does not wish to lessen the family *prestige*,—cannot endure the thought of being a disgrace to her brothers and sisters. So she does not allow Fred Junior to propose, and after twenty years of London seasons, she——wishes that she had been married in her early womanhood.

Only the other day Fred Junior said to the writer of this work, "Why don't I make Kate Marshman an offer? I am making four hundred a year; she can't have more than four or five thousand pounds. At the outside we should not make up more than six hundred a year; and as the world goes, she could not marry on less than twice that income. No, my boy, I must wait; and of course I wont bind a poor girl to wait for me—and fortune. Perhaps I shall come in for a lot of money, or a run of luck, before any fellow with a stake in the country has carried her off." Poor Fred! He is in love with Kate Marshman; but he will never marry her. Forty years hence he will leave his money to sons and daughters who will have been taught—to call him "uncle."

Of course there are many exceptions to this state of things. English society is for the most part sound at heart and rich in noiseless poetry. Mayfair is only a narrow spot in the map of a great city; and its way of taking life is the exception rather than the rule of modern London. But the young barristers of whom we have been speaking, usually move in circles where those conventional rules—which have been nicknamed the "morals of Mayfair"—are most scrupulously observed. But even in the strictest sects of frigid gentility nature occasionally asserts herself, and young people make imprudent matches. This writer can point to a few happy houses where law and love make a pleasant enough time of it on six hundred a year;

and he can recall the time when the claret at good Peter Rackstraw's table was a thin and inexpensive drink, in comparison with the choice vintages which that prosperous lawyer is now-a-days wont to put before his friends.

But the fact cannot be questioned that for many years early marriages have not been frequent amongst working barristers. In Lord Eldon's time the case was otherwise. Society saw nothing singular or reprehensible in his conduct when he brought Bessie to live in the little house in Cursitor Street. No one sneered at the young law-student, whose home was a little den in a dingy thoroughfare. At a later date, the rising junior whose wife lived over his business chambers in Carey Street, was the object of no unkind criticism because his domestic arrangements were inexpensive, and almost frugal. Had his success been tardy, instead of quick and decisive, and had circumstances compelled him to live under the shadow of Lincoln's Inn wall for thirty years on a narrow income, he would not on that account have suffered from a single disparaging criticism. Amongst his neighbours in adjacent streets, and within the boundaries of his Inn, he would have found society for himself and wife, and playmates for his children. Good fortune coming in full strong flood, he was not compelled to greatly change his plan of existence. Even in those days when costly ostentation characterized aristocratic society—he was permitted to live modestly—and lay the foundation of that great property which he transmitted to his ennobled descendants.

Perhaps parsimony was too apparent in their domestic economy. It may be conceded that in their later years, and even at a period when they were still rising to position, they betrayed a sordid love of wealth. But this was the blemish of their natural dispositions, not a consequence of obsolete manners. And when satire has done its worst with the miserly propensities of the great lawyer and his wife, their long familiar intercourse exhibits a wealth of fine human affection and genuine poetry which sarcasm cannot touch. Often as he had occasion to regret Lady Eldon's peculiarities—the stinginess which made her grudge the money paid for a fish or a basket of fruit; the nervous repugnance to society, which greatly diminished her husband's popularity; and the taste for solitude and silence

which marked her painfully towards the close of her life—the Chancellor never even hinted to her his dissatisfaction. When their eldest daughter, following her mother's example, married without the permission of her parents, it was suggested to Lord Eldon that her ladyship ought to take better care of her younger daughter, Lady Frances, and entering society should play the part of a vigilant *chaperon*. The counsel was judicious; but the Chancellor declined to act upon it, saying—"When she was young and beautiful, she gave up everything for me. What she is, I have made her; and I cannot now bring myself to compel her inclinations. Our marriage prevented her mixing in society when it afforded her pleasure; it appears to give pain now, and why should I interpose?" In his old age, when she was dead, he visited his estate in Durham, but could not find heart to cross the Tyne bridge and look at the old house from which he took her in the bloom and tenderness of her girlhood. An urgent invitation to visit Newcastle drew from him the reply—"I know my fellow-townsmen complain of my not coming to see them; but *how can I pass that bridge?*" After a pause, he added, "Poor Bessie! if ever there was an angel on earth she was one. The only reparation which one man can make to another for running away with his daughter, is to be exemplary in his conduct towards her."

Eldon's fame is not surrounded with poetical associations; but the prosaic Chancellor occasionally wrote verses. Amongst the few metrical productions of his pen that have been presented to the public is the following address to Lady Eldon, on the fortieth anniversary of their wedding-day, November 18th, 1811.

"Can it, my lovely Bessy, be,
That when near forty years are past,
I still my lovely Bessy see
Dearer and dearer at the last?

"Nor time, nor years, nor age, nor care,
Believe me, lovely Bessy, will—
Much as his frame they daily wear—
Affect the heart that's Bessy's still.

"In Scotland's climes I gave it thee;
In Scotland's climes I thine obtain'd;
Oh, to each other let them be
True, till an Haven we have gained.

ELDON."

Although it is difficult to refrain from smiling at the deficiencies of these wretched lines, the reader reflects with pleasure on the affection which inspired the old Chancellor to write them.

Aided by superior culture and some natural fitness for literary effort, Lord Tenterden excelled John Scott only by a few degrees when he wrote English verses in honour of Mary Lamotte, the artificial brilliance of whose complexion was the cause of much mirth and many malicious stories on the part of the lawyers who knew her towards the close of her life. Of Tenterden's respect for his wife's artistic powers, Lord Campbell tells a mischievous anecdote. "Once while paying me a visit in my chambers," writes the biographer of the 'Chief Justices,' "in Paper Buildings, the walls of which were of old dark oak wainscot, he said, 'Now, if my wife had these chambers, she would immediately *paint* them, and I should like them the better for it.'"

In pecuniary affairs not less prudent than his brother, Lord Stowell in matters of sentiment was capable of indiscretion. In the long list of legal loves there are not many episodes more truly ridiculous than the story of the older Scott's second marriage. On April 10, 1813, the decorous Sir William Scott, and Louisa Catherine, widow of John, Marquis of Sligo, and daughter of Admiral Lord Howe, were united in the bonds of holy wedlock, to the infinite amusement of the world of fashion, and to the speedy humiliation of the bridegroom. So incensed was Lord Eldon at his brother's folly, that he refused to appear at the wedding; and certainly the Chancellor's displeasure was not without reason, for the notorious absurdity of the affair brought ridicule on the whole of the Scott family connexion. The happy couple met for the first time in the Old Bailey, when Sir William Scott and Lord Ellenborough presided at the trial of the marchioness's son, the young Marquis of Sligo, who had incurred the anger of the law by luring into his yacht, in Mediterranean waters, two of the king's seamen. Throughout the hearing of that *cause célèbre*, the marchioness sate in the fetid court of the Old Bailey, in the hope that her presence might rouse amongst the jury or in the bench feelings favourable to her son. This hope was disappointed. The verdict

having been given against the young peer, he was ordered to pay a fine of 5000*l.* and undergo four months' incarceration in Newgate, and—worse than fine and imprisonment—was compelled to listen to a parental address from Sir William Scott on the duties and responsibilities of men of high station. Either under the influence of sincere admiration for the judge, or impelled by desire for vengeance on the man who had presumed to lecture her son in a court of justice, the marchioness wrote a few hasty words of thanks to Sir William Scott for his salutary exhortation to her boy. She even went so far as to say that she wished the erring marquis could always have so wise a counsellor at his side. This communication was made upon a slip of paper, which the writer sent to the judge by an usher of the court. Sir William read the note as he sate on the bench, and having looked towards the fair scribe, he received from her a glance and smile that were fruitful of much misery to him. Within four months the courteous Sir William Scott was tied fast to a beautiful, shrill, voluble termagant, who exercised marvellous ingenuity in rendering him wretched and contemptible.* Reared in a stately school of old-world politeness, the unhappy man was a model of decorum and urbanity. He took reasonable pride in the perfection of his tone and manner; and the marchioness—whose malice did not lack cleverness—was never more happy than when she was gravely expostulating with him, in the presence of numerous auditors, on his lamentable want of style, tact, and gentlemanlike bearing. It is said that, like Coke and Holt under similar circumstances, Sir William preferred the quietude of his chambers to the society of an unruly wife, and that in the cellar of his Inn he sought compensation for the indignities and sufferings which he endured at home. Fifty years since the crusted port of the Middle Temple could soothe the heart at night, without paining the head in the morning.

PART VI.—MONEY.

CHAPTER XXXII.

FEES TO COUNSEL.

FROM time immemorial popular satire has been equally ready to fix the shame of avarice upon Divinity, Physic, and Law; and it cannot be denied that in this matter the sarcasms of the multitude are often sustained by the indisputable evidence of history. The greed of the clergy for tithes and dues is not more widely proverbial than the doctor's thirst for fees, or the advocate's readiness to support injustice for the sake of gain. Of Guyllyam of Harseley, physician to Charles VI. of France, Froissart says, "All his dayes he was one of the greatest nygardes that ever was;" and the chronicler adds, "With this rodde lightly all physicyons are beaten." In his address to the sergeants who were called soon after his elevation to the Marble Chair, the Lord Keeper Puckering, directing attention to the grasping habits which too frequently disgraced the leaders of the bar, observed: "I am to exhort you also not to embrace multitude of causes, or to undertake more places of hearing causes than you are well able to consider of or perform, lest thereby you either disappoint your clients when their causes be heard, or come unprovided, or depart when their causes be in hearing. For it is all one not to come, as either to come unprovided, or depart before it be ended." Notwithstanding Lingard's able defence of the Cardinal, scholars are still generally of opinion that Beaufort—the Chancellor who lent money on the king's crown, the bishop who sold the Pope's soldiers for a thousand marks—is a notable instance of the union of legal covetousness and ecclesiastical greed.

The many causes which affect the value of money in different ages create infinite perplexity for the antiquarian who wishes to estimate the prosperity of the bar in past times; but the few disjointed data that can be gathered from old records, create an impression that in the fourteenth, fifteenth, and sixteenth centuries the ordinary fees of eminent counsel were by no means exorbitant, although fortunate practitioners could make large incomes.

Dugdale's "Baronage" describes with delightful quaintness William de Beauchamp's interview with his lawyers when that noble (on the death of John Hastings Earl of Pembroke, *temp.* Richard II., without issue) claimed the earl's estates under an entail, in opposition to Edward Hastings, the earl's heir-male of the half-blood. "Beauchamp," says Dugdale, "invited his learned counsel to his house in Paternoster Row, in the City of London; amongst whom were Robert Charlton (then a judge), William Pinchbek, William Branchesley, and John Catesby (all learned lawyers); and after dinner, coming out of his chapel, in an angry mood, threw to each of them a piece of gold, and said, 'Sirs, I desire you forthwith to tell me whether I have any right or title to Hastings' lordship and lands.' Whereupon Pinchbek stood up (the rest being silent, fearing that he suspected them), and said, 'No man here nor in England dare say that you have any right in them, except Hastings do quit his claim therein; and should he do it, being now under age, it would be of no validitie.'" However much they may have been displeased by Pinchbek's frankness, the other lawyers by silence showed their concurrence in the opinion given. The whole scene is full of character. The insolence of the patrician client throwing money to the lawyers as he would have thrown bread to as many dogs; the haughty exclamation, "Sirs, I desire you forthwith to tell me;" the patience of the learned jurists under the contumelious treatment; and Pinchbek's manly courage—illustrate important qualities of the men and their times. Had Charlton the Chief Justice of the Common Pleas taken gold for his opinion on a case put before him in his judicial character, he would have violated his judicial oath. But in the earl's house in Paternoster Row he was merely a counsellor learned in the

law, not a judge. Manifest perils attend a system which permits a judge in his private character to give legal opinions concerning causes on which he may be required to give judgment from the bench; but notwithstanding those perils, there is no reason for thinking that Charlton on this occasion either broke law or etiquette. His presence in Paternoster Row does not seem to have been either a breach of duty or an indecorum; and the fair inference from the matter is, that in the closing years of the fourteenth century judges were permitted to give opinions for money to their private clients, although they were forbidden to take gold or silver from any person having "plea or process hanging before them."

In the year of our Lord 1500 the corporation of Canterbury paid for advice regarding their civic interests 3*s.* 4*d.* to each of three sergeants, and gave the Recorder of London 6*s.* 8*d.* as a retaining-fee. Five years later, Mr. Serjeant Wood received a fee of 10*s.* from the Goldsmiths' Company; and it may be fairly assumed, that so important and wealthy a body paid the serjeant on a liberal scale. In the sixteenth century it was, and for several generations had been, customary for clients to provide food and drink for their counsel. Mr. Foss gives his readers the following list of items, taken from a bill of costs, made in the reign of Edward IV.:—

	s.	*d.*
For a breakfast at Westminster spent on our counsel . . .	1	6
To another time for boat-hire in and out, and a breakfast for two days	1	6

In like manner the accountant of St. Margaret's, Westminster, entered in the parish books, "Also, paid to Roger Fylpott, learned in the law, for his counsel given, 3*s.* 8*d.*, with 4*d.* for his dinner."

A yet more remarkable custom was that which enabled clients to hire counsel to plead for them at certain places, for a given time, in whatever causes their eloquence might be required. There still exists the record of an agreement by which, in the reign of Henry VII., Serjeant Yaxley bound himself to attend the assizes at York, Nottingham and Derby, and speak in court at each of those places, whenever his client, Sir Robert Plumpton—"that perpetual and always unfortunate litigant," as he is called by Serjeant Manning—required him to do so.

This interesting document runs thus—"This bill indented at London the 18th day of July, the 16th yeare of the reigne of King Henry the 7th, witnesseth that John Yaxley, Sergent-at-Law, shall be at the next assizes to be holden at York, Nottin., and Derb., if they be holden and kept, and there to be of council with Sir Robert Plompton, knight, such assizes and actions as the said Sir Robert shall require the said John Yaxley, for the which premisses, as well for his costs and his labours, John Pulan, gentleman, bindeth him by thease presents to content and pay to the said John Yaxley 40 marks sterling at the feast of the Nativetie of our Lady next coming, or within eight days next following, with 5 li paid aforehand, parcell of paiment of the said 40 marks. Provided alway that if the said John Yaxley have knowledg and warning only to cum to Nottin. and Derby, then the said John Yaxley is agread by these presents to take only xv li besides the 5 li aforesaid. Provided alwaies that if the said John Yaxley have knowledg and warning to take no labour in this matter, then he to reteine and hold the said 5 li resaived for his good will and labour. In witness hereof, the said John Yaxley, serjeant, to the part of this indenture remaining with the said John Pulan have put his seale the day and yeare above-written. Provided also that the said Sir Robert Plompton shall beare the charges of the said John Yaxley, as well at York as at Nottingham and Derby, and also to content and pay the said money to the sayd John Yaxley comed to the said assizes att Nott., Derb., and York. "JOHN YAXLEY."

This remarkable agreement—made after Richard III. had vainly endeavoured to compose by arbitration the differences between Sir Robert and Sir Robert's heirs-general—certifies that Sir Robert Plumpton engaged to provide the sergeant with suitable entertainment at the assize towns, and also throws light upon the origin of retaining-fees. It appears from the agreement that in olden time a retaining-fee was merely part (surrendered in advance) of a certain sum stipulated to be paid for certain services. In principle it was identical with the payment of the shilling, still given in rural districts, to domestic servants on an agreement for service, and with the transfer of the queen's shilling given to every soldier on enlistment.

There is no need to mention the classic origin of this ancient mode of giving force to a contract.

From the "Household and Privy Purse Expences of the Le Stranges of Hunstanton," published in the Archæologia, may be gleaned some interesting particulars relating to the payment of counsel in the reign of Henry VIII. In 1520, Mr. Cristofer Jenny received from the Le Stranges a half-yearly fee of ten shillings; and this general retainer was continued on the same terms till 1527, when the fee was raised from 1*l.* per annum to a yearly payment of 2*l.* 13*s.* 4*d.* To Mr. Knightley was paid the sum of 8*s.* 11*d.* "for his fee, and that money yt he layde oute for suying of Symon Holden;" and the same lawyer also received at another time 14*s.* 3*d.* "for his fee and costs of sute for iii termes." A fee of 6*s.* 8*d.* was paid to "Mr. Spelman, s'jeant, for his counsell in makyng my answer in ye Duchy Chām.;" and the same serjeant received a fee of 3*s.* 4*d.* "for his counsell in putting in of the answer." Fees of 3*s.* 4*d.* were in like manner given "for counsell" to Mr. Knightley and Mr. Whyte; and in 1534, Mr. Yelverton was remunerated "for his counsell" with the unusually liberal honorarium of twenty shillings. From the household book of the Earl of Northumberland, it appears that order was made, in this same reign, for "every oone of my lordes counsaill to have c's. fees, if he have it in household and not by patent." After the earl's establishment was reduced to forty-two persons it still retained "one of my lordes counsaill for annswering and riddying of causes, whenne sutors cometh to my lord." At a time when every lord was required to administer justice to his tenants and the inferior people of his territory, a counsellor learned in the law was an important and most necessary officer in a grand seignior's retinue.

Whilst Sir Thomas More lived in Bucklersbury, he "gained, without grief, not so little as 400*l.* by the year." This income doubtless accrued from the emoluments of his judicial appointment in the City, as well as from his practice at Westminster and elsewhere. In Henry VIII.'s time it was a very considerable income, such as few leaders of the bar equalled. It is impossible to estimate its exact worth in the currency of our own day, but Lord Campbell is not far wrong in describing

it as "an income which, considering the relative profits of the bar and the value of money, probably indicated as high a station as 10,000*l.* a year at the present day."

In Elizabeth's reign, and during the time of her successor, barristers' fees show a tendency towards increase;* and the lawyers who were employed as advocates for the Crown, or held judicial appointments, acquired princely incomes, and in some cases amassed large fortunes. Fees of 20*s.* were more generally paid to counsel under the virgin queen, than in the days of her father; but still half that fee was not thought too small a sum for an opinion given by Her Majesty's Solicitor General. Indeed, the ten-shilling fee was a very usual fee in Elizabeth's reign; and it long continued an ordinary payment for one opinion on a case, or for one speech in a cause of no great importance and of few difficulties. "A barrister is like Balaam's ass, only speaking when he sees the angel," was a familiar saying in the seventeenth century. In Chancery, however, by an ordinance of the Lords Commissioners passed

* Drawing attention to a paper which seems at variance with this opinion, the author of "Law and Lawyers" observes:—"From a manuscript in the Harleian Collection we learn that in Queen Elizabeth's time there was but one serjeant at the Common Pleas bar (called Serjeant Bendlowes), who was ordered to plead both for the plaintiff and defendant, for which he was to take of each party ten groats only and no more; and to manifest his impartial dealing to both parties, he was, therefore, to wear a parti-coloured gown, and to have a black cap on his head of imperial justice, and under it a white linen coife of innocence." This Harleian MS. is often quoted as an illustration of the rate of legal fees in the reign of Elizabeth, but is altogether unworthy of reliance. A writer who could adopt such a ridiculous and manifestly erroneous account of the origin of the ancient robes and head-dress of a serjeant-at-law is clearly undeserving of credit. Concerning Bendlowes' position, there exists great difference of opinion amongst legal antiquaries. The south window of the chapel of Serjeants' Inn contains the arms of Serjeant Bendlowes and this legend:—"Gulielmus Bendlowes, serviens ad legem (quamplures annos inter alios) eximius, annis reginarum Mariæ ultimo et Elizabethæ primo, superfuit et claruit solus conscripsit casuum in jure sui temporis relationes, quibus hodie apud jurisconsultos fides et usus est non vulgaris: vir doctus, probus, pius. Legavit huic hospicio quinquaginta libras, quas Willielmus, ejus filius, præstitit vicesimo die Maii, anno 1596." Serjeant Manning remarks: "Rowe says, in his preface to Bendlowes' Reports, that William Bendlowes was the only serjeant-at-law for part of the time of Philip and Mary, and part of Elizabeth's reign. This may be verbally true, because by the death of Mary ten serjeants' writs abated. But in M. 1 Elizabeth we find four serjeants arguing in the Common Pleas. This statement by Rowe seems to be the foundation of the story in the preface of the 3 Modern, in which 11th Eliz. is substituted for the 1st."

in 1654, to regulate the conduct of suits and the payments to masters, counsel, and solicitors, it was arranged that on the hearing of a cause utter barristers should receive 1*l.* fees, whilst the Lord Protector's counsel and serjeants-at-law should receive 2*l.* fees, *i.e.*, "double fees."

The archives of Lyme Regis show that under Elizabeth the usage was maintained of supplying counsel with delicacies for the table, and also of providing them with means of locomotion. Here are some items in an old record of disbursements made by the corporation of Lyme Regis:—"A.D. Paid for wine carried with us to Mr. Poulett—0*l.* 3*s.* 6*d.*; Wine and sugar given to Mr. Poulett, 0*l.* 3*s.* 4*d.*; Horse-hire, and for the Serjeant to ride to Mr. Walrond, of Bovey, and for a loaf of sugar, and for conserves given there to Mr. Poppel, 1*l.* 1*s.* 0*d.*; Wine and sugar given to Judge Anderson, 0*l.* 3*s.* 4*d.* A bottle and sugar given to Mr. Gibbs (a lawyer)."

Under Elizabeth, the allowance made to Queen's Serjeants was 26*l.* 6*s.* 8*d.* for fee,* reward, and robes; and 20*l.* for his services whenever a Queen's Serjeant travelled circuit as Justice of Assize. The fee for her Solicitor General was 50*l.* When Francis Bacon was created King's Counsel to James I., an annual salary of forty pounds was assigned to him from the royal purse; and down to William IV.'s time King's Counsel received a stipend of 40*l.* a year and an allowance for stationery. Under the last-mentioned monarch, however, the stipend and allowance were both withdrawn; and at present the status of a Q.C. is purely an affair of professional precedence, to which no fixed emolument is attached.

* The *Mirror* contains evidence concerning the ancient distinction between the salaries and fees of legal servants. "In the passage cited from the *Mirror*, every pleader is bound to serve the common people, or those who have need of them, *for their fees*. And afterwards, in the 4th section of that chapter, it is stated, 'the fourth thing is as to his salary, concerning which four things are to be noted,' so that the word fees and the word 'salary' are distinctly mentioned in that ancient treatise. And in the preceding chapter (*Mirror*), section 4, which treats of rewards and fees, it is stated with regard to the judges who serve the king, that it is lawful for them to take twelve pence from the plaintiff after hearing the cause, and no more, though there be two plaintiffs; and the pleader sixpence. Now the pleader is a serjeant-counter, so that there is something exceedingly like an ancient payment, both in respect to its amount and the mode in which it appears to be reserved."—Mr. Serjeant Manning's *Serviens ad Legem.*

But a list of the fees paid from the royal purse to each judge or crown lawyer under James I., would afford no indication as to the incomes enjoyed by the leading members of the bench and bar at that period. The salaries paid to those officers were merely retaining-fees, and their chief remuneration consisted of a large number of smaller fees. Like the judges of prior reigns, King James's judges were forbidden to accept *presents* from actual suitors; but no suitor could obtain a hearing from any one of them until he had paid into court certain fees, of which the fattest was a sum of money for the judge's personal use. At one time many persons laboured under an erroneous impression that as judges were forbidden to accept presents from actual suitors, the honest judge of past times had no revenue besides his specified salary and allowance. Like the king's judges, the king's counsellors frequently made great incomes by fees, though their nominal salaries were invariably insignificant. At a time when Francis Bacon was James's Attorney General, and received no more than 81*l.* 6*s.* 8*d.* for his yearly salary, he made 6000*l.* per annum in his profession; and of that income—a royal income in those days—the greater portion consisted of fees* paid to him for attending to the king's business. "I shall now," Bacon wrote to the king, "again make oblation to your Majesty,—first of my heart, then of my service; thirdly, of my place of

* On this subject, Mr. Hepworth Dixon in the 'Story of Lord Bacon's Life,' says—"This fee system was universal. In the reign of James I. there was no civil list: the king, the bishop, the judge, the Lord Treasurer, the Lord Admiral, the Secretary of State, the gentlemen of the bedchamber, all took fees. In a paper which was drawn up by order of parliament as official evidence of the usage in Bacon's time, Sir Matthew Carew, one of the Masters in Chancery, describes the judges as depending on presents which came to them 'voluntarily of benevolence.' . . . . Thus, the seals, though the Lord Chancellor had no salary, were in Ellesmere's time worth ten or fifteen thousand pounds a year. Bacon valued his place as Attorney General at six thousand a year, of which the king paid him only 81*l.* 6*s.* 8*d.* Yelverton's place of Solicitor brought him three or four thousand a-year, of which he got 70*l.* from James. Coke, when Lord Chief Justice of England, drew from the state 224*l.* 19*s.* 9*d.* a year; and, when travelling circuit, was allowed 33*l.* 6*s.* 8*d.* for his expenses. Hobart, Chief Justice of the Common Pleas, had 194*l.* 19*s.* 9*d.* a year; Tanfield, Lord Chief Baron of His Majesty's Court of Exchequer, 188*l.* 6*s.* 0*d.* a year. Yet each of these great lawyers had given up a lucrative practice at the bar. After their promotion to the bench, they lived in good houses, kept a princely state, gave dinners and masques, made presents to the king, accumulated goods and lands."

Attorney, which I think is honestly worth 6000*l.* per annum; and fourthly, of my place in the Star Chamber, which is worth 1600*l.* per annum, and with the favour and countenance of a Chancellor, much more." Coke had made a still larger income during his tenure of the Attorney's place, the fees from his private and official practice amounting to no less a sum than seven thousand pounds in a single year.

At later periods of the seventeenth century barristers made large incomes, but the fees seem to have been by no means exorbitant. Junior barristers received very modest payments; and it would appear that juniors received fees from eminent counsel for opinions and other professional services. Whilst he acted as treasurer of the Middle Temple at an early period of his career, Whitelock received a fee from Attorney General Noy. "Upon my carrying the bill," writes Whitelock, "to Mr. Attorney General Noy for his signature, with that of the other benchers, he was pleased to advise with me about a patent the king had commanded him to draw, upon which he gave me a fee for it out of his little purse, saying, 'Here, take these single pence,' which amounted to eleven groats, 'and I give you more than an attorney's fee because you will be a better man than the Attorney General. This you will find to be true.' After much other drollery, wherein he delighted and excelled, we parted, abundance of company attending to speak to him all this time." Of course the payment itself was no part of the drollery to which Whitelock alludes, for as a gentleman he could not have taken money proffered to him in jest, unless etiquette encouraged him to look for it and allowed him to accept it. The incident justifies the inference that the services of junior counsel to senior barristers—services at the present time termed "devilling"—were formerly remunerated with cash payments.

Towards the close of Charles I.'s reign—at a time when political distractions were injuriously affecting the legal profession, especially the staunch royalists of the long robe—Maynard, the Parliamentary lawyer, received on one round of the Western Circuit, 700*l.*, "which," observes Whitelock, to whom Maynard communicated the fact, "I believe was more than any one of our profession got before."

Concerning the incomes made by eminent counsel in Charles II.'s time, many *data* are preserved in diaries and memoirs. That a thousand a year was looked upon as a good income for a flourishing practitioner of the "merry monarch's" Chancery bar may be gathered from a passage in "Pepys's Diary," where the writer records the compliments paid to him regarding his courageous and eloquent defence of the Admiralty before the House of Commons in March, 1668. Under the influence of half-a-pint of mulled sack and a dram of brandy, the Admiralty clerk made such a spirited and successful speech* in behalf of his department, that he was thought to have effectually silenced all grumblers against the management of his Majesty's navy. Compliments flowed in upon the orator from all directions. Sir William Coventry pledged his judgment that the fame of the oration would last for ever in the Commons; silver-tongued Sir Heneage Finch, in blandest

* Pepys's Diary, Mar. 5, 1668. "But I full of thoughts and trouble touching the issue of this day; and, *to comfort myself did go to the 'Dog' and drink half-a-pint of mulled sack, and in the hall (Westminster) did drink a dram of brandy at Mrs. Hewlett's;* and with the warmth of this did find myself in better order as to courage, truly. So we all up to the lobby, and between eleven or twelve o'clock were called in, with the mace before us, into the House, where a mighty full House; and we stood at the bar—namely, Brouncker, Sir J. Minnes, Sir T. Harvey, and myself, W. Pen being in the House as a member. I perceive the whole House was full of expectation of our defence what it would be, and with great prejudice. After the Speaker had told us the dissatisfaction of the House, and read the Report of the Committee, I began our defence most acceptably and smoothly, and continued at it without any hesitation or losse, but with full scope, and all my reason free about me, as if it had been my own table, from that time till past three in the afternoon, and so ended, without any interruption from the Speaker; but we withdrew, and there all my fellow-officers, and all the world that was within hearing, did congratulate me, and cry up my speech as the very best thing they ever heard; and my fellow-officers were overjoyed in it. . . . . Mar. 6th.—Up betimes and with Sir D. Gauden to Sir W. Coventry's chambers, where the first words he said to me was—'Good-morrow, Mr. Pepys, that must be a Speaker of the Parliament House;' and did protest that I had got honour for ever in Parliament. He said that his brother, that sat by him, admires me; *and another gentleman said that I could not get less than* 1000*l. a-year if I would put on a gown and plead at the Chancery Bar:* but, what pleases me most, he tells me that the Solicitor General did protest that he thought I spoke the best of any man in England." Heneage Finch was at that time Solicitor General. Amongst advocates, in Charles II.'s reign, a professional income of a thousand a year signified a practice and popularity that placed a barrister in the second rank of the unquestionably successful followers of the law. Somers was thought a fortunate and rising counsellor when he enjoyed Lord Chancellor Nottingham's favour, and made 700*l.* per annum.

tones, averred that no other living man could have made so excellent a speech; the placemen of the Admiralty vied with each other in expressions of delight and admiration; and one flatterer, whose name is not recorded, caused Mr. Pepys infinite pleasure by saying that the speaker who had routed the accusers of a government office, might easily earn a thousand a year at the Chancery bar.

That sum, however, is insignificant when it is compared with the incomes made by the most fortunate advocates of that period. Eminent speakers of the Common Law Bar made between 2000*l.* and 3500*l.* per annum on circuit and at Westminster, without the aid of king's business; and still larger receipts were recorded in the fee-books of his Majesty's attorneys and solicitors. At the Chancery bar of the second Charles there was at least one lawyer who in one year made considerably more than four times the income that was suggested to Pepys' vanity and self-complacence. At Stanford Court, Worcestershire, is preserved a fee-book kept by Sir Francis Winnington, Solicitor General to the "merry monarch," from December 1674 to January 13, 1679, from the entries of which record the reader may form a tolerably correct estimate of the professional revenues of successful lawyers at that time. In Easter Term, 1671, Sir Francis pocketed 459*l.*; in Trinity Term 449*l.* 10*s.*; in Michaelmas Term 521*l.*; and in Hilary Term 1672, 361*l.* 10*s.*; the income for the year being 1791*l.*, without his earnings on the Oxford Circuit and during vacations. In 1673 Sir Francis received 3371*l.*; in 1674, he earned 3560*l.*;* and in 1675—*i.e.*, the first year of his tenure of the Solicitor's office—his professional income was 4066*l.*, of which sum 429*l.* were office fees. Concerning the Attorney General's receipts about this time, we have sufficient information from Roger North, who records that his brother, whilst

* In his "Survey of the State of England in 1685," Macaulay—giving one of those misleading references with which his history abounds—says: "A thousand a year was thought a large income for a barrister. Two thousand a year was hardly to be made in the Court of King's Bench, except by crown lawyers." Whilst making the first statement, he doubtless remembered the passage already quoted from "Pepys's Diary." For the second statement he refers to "Layton's Conversations with Chief Justice Hale." It is fair to assume that Lord Macaulay had never seen Sir Francis Winnington's fee-book.

Attorney General, made nearly seven thousand pounds in one year, from private and official business. It is noteworthy that North, as Attorney General, made the same income which Coke realized in the same office at the commencement of the century. But under the Stuarts this large income of 7000*l.*—in those days a princely revenue—was earned by work so perilous and fruitful of obloquy, that even Sir Francis, who loved money and cared little for public esteem, was glad to resign the post of Attorney, and retire to the Pleas with 4000*l.* a year. That the fees of the Chancery lawyers under Charles II. were regulated upon a liberal scale we know from Roger North, and the record of Sir John King's success. Speaking of his brother Francis, the biographer says: "After he, as king's counsel, came within the bar, he began to have calls into the Court of Chancery; which he liked very well, because the quantity of the business, *as well as the fees,* was greater; but his home was the King's Bench, where he sat and reported like as other practitioners." And in Sir John King's memoirs it is recorded that in 1676 he made 4700*l.*, and that he received from 40*l.* to 50*l.* a day during the last four days of his appearance in court. Dying in 1677,* whilst his supremacy in his own court was at its height, Sir John King was long spoken of as a singularly successful Chancery barrister.

Of Francis North's mode of taking and storing his fees, the "Life of Lord Keeper Guildford" gives the following picture: "His business increased, even while he was Solicitor, to be so much as to have overwhelmed one less dexterous; but when he was made Attorney General, though his gains by his office were great, they were much greater by his practice; for that flowed in upon him like an orage, enough to overset one that had not an extraordinary readiness in business. His skull-

* "In the fourth day of his fever, he being att the Chancery Bar, he fell so ill of the fever that he was forced to leave the court and come to his chambers in the Temple with one of his clerks which constantly wayted on him and carried his bag of writings for his pleadings, and there told him that he should return to every clyant his breviat and his fee, for he could serve them no longer, for he had done with this world, and thence came home to his house in Salisbury Court, and took his bed. . . . . And there he sequestered himself to mediation between God and his own soul, without the least regret, and quietly and patiently contented himself with the will of God."—Vide *Memoir of Sir John King, Knt., written by his Father.*

caps, which he wore when he had leisure to observe his constitution, as I touched before, were now destined to lie in a drawer to receive the money that came in by fees. One had the gold, another the crowns and half-crowns, and another the smaller money. When these vessels were full, they were committed to his friend (the Hon. Roger North), who was constantly near him, to tell out the cash, and put it into the bags according to the contents; and so they went to his treasurers', Blanchard and Child, goldsmiths, Temple Bar."* In the days of wigs, skull-caps like those which Francis North used as receptacles for money, were very generally worn by men of all classes and employments. On returning to the privacy of his home, a careful citizen usually laid aside his costly wig, and replaced it with a cheap and durable skull-cap, before he sate down in his parlour. So also, men careful of their health often wore skull-caps *under* their wigs, on occasions when they were required to endure a raw atmosphere without the protection of their beavers. In days when the law-courts were held in the open hall of Westminster, and lawyers practising therein were compelled to sit or speak for hours together, exposed to sharp currents of cold air, it was customary for wearers of the long robe to place between their wigs and natural hair closely-fitting

* The lawyers of the seventeenth century were accustomed to make a show of their fees to the clients who called upon them. Hudibras's lawyer (Hud., Part iii. cant. iii.) is described as sitting in state with his books and money before him:—

"To this brave man the knight repairs
For counsel in his law affairs,
And found him mounted in his pew,
With books and money plac'd for shew,
Like nest-eggs, to make clients lay,
And for his false opinion pay:
To whom the knight, with comely grace,
Put off his hat to put his case,
Which he as proudly entertain'd
As the other courteously strain'd;
And, to assure him 'twas not that
He looked for, bid him put on 's hat."

Under Victoria, the needy junior is compelled, for the sake of appearances, to furnish his shelves with law books, and cover his table with counterfeit briefs. Under the Stuarts, he placed a bowl of spurious money amongst the sham-papers that lay upon his table.

caps, made of stout silk or soft leather. The writer of this page remembers an aged country squire, in whose business-room—the room in which poachers and sturdy vagabonds received penal sentences, and which the present writer would have called "a library," had it contained any books—there were two rows of pegs, on the upper of which rows hung an artistic assortment of wigs, whilst half-a-dozen antique and oleaginous skull-caps occupied the lower line of wooden catches. But more interesting than the money-caps are the fees which they contained. The ringing of the gold pieces, the clink of the crowns with the half-crowns, and the rattle of the smaller money, lead back the barrister to those happier and remote times, when the "inferior order" of the profession paid the superior order with "money down;" when the advocate never opened his mouth till his fingers had closed upon the gold of his trustful client; when "credit" was unknown in transactions between counsel and attorney;—that truly *golden* age of the bar, when the barrister was less suspicious of the attorney, and the attorney held less power over the barrister.

Having profited by the liberal payments of Chancery whilst he was an advocate, Lord Keeper Guildford destroyed one source of profit to counsel from which Francis North, the barrister, had drawn many a capful of money. Saith Roger, "He began to rescind all motions for speeding and delaying the hearing of causes besides the ordinary rule of court; and this lopped off a limb of the motion practice. I have heard Sir John Churchill, a famous Chancery practitioner, say, that in his walk from Lincoln's Inn down to the Temple Hall, where, in the Lord Keeper Bridgman's time, causes and motions out of term were heard, he had taken 28*l.* with breviates only for motions and defences for hastening and retarding hearings. His lordship said, that the rule of the court allowed time enough for any one to proceed or defend; and if for special reasons he should give way to orders for timing matters, it would let in a deluge of vexatious pretences, which, true or false, being asserted by the counsel with equal assurance, distracted the court and confounded the suitors."

Let due honour be rendered to one Caroline lawyer who was remarkable for his liberality to clients and carelessness of

his own pecuniary interests. From his various biographers many pleasant stories may be gleaned concerning Hale's freedom from base love of money. In his days, and long afterwards, professional etiquette permitted clients and counsel to hold intercourse without the intervention of an attorney. Suitors, therefore, frequently addressed him personally, and paid for his advice with their own hands, just as patients are still accustomed to fee their doctors. To these personal applicants, and also to clients who approached him by their agents, he was very liberal. "When those who came to ask his counsel gave him a piece, he used to give back the half, and to make ten shillings his fee in ordinary matters that did not require much time or study." From this it may be inferred that whilst Hale was an eminent member of the bar twenty shillings was the usual fee to a leading counsel, and an angel the customary honorarium to an ordinary practitioner. As readers have already been told, the angel* was a common fee in the seventeenth century; but the story of Hale's generous usage implies that his more distinguished contemporaries were wont to look for and accept a double fee. Moreover the anecdote would not be told in Hale's honour if etiquette had fixed the double fee as the minimum of remuneration for a superior barrister's opinion. He was frequently employed in arbitration cases, and as an arbitrator he steadily refused payment for his services to legal disputants, saying in explanation of his moderation, "In these cases I am made a judge, and a judge ought to take no money." The misapprehension as to the nature of an arbitrator's functions displayed in these words gives an instructive insight into the mental constitution of the judge who wrote on natural science, and at the same time exerted

* In the "Serviens ad Legem," Mr. Serjeant Manning raises questions concerning the antiquity of *guineas* and half-guineas with the following remarks:—"Should any cavil be raised against this jocular allusion, on the ground that guineas and half-guineas were unknown to serjeants who flourished in the sixteenth century, the objector might be reminded, that in antique records, instances occur in which the 'guianois d'or,' issued from the ducal mint at Bordeaux, by the authority of the Plantagenet sovereigns of Guienne, were, by the same authority, made current among their English subjects; and it might be suggested that those who have gone to the coast of Africa for the origin of the modern guinea, need not have carried their researches beyond the Bay of Biscay. *Quære*, whether the Guinea Coast itself may not owe its name to the 'guianois d'or' for which it furnished the raw material."

himself to secure the conviction of witches. A more pleasant and commendable illustration of his conscientiousness in pecuniary matters is found in the steadiness with which he refused to throw upon society the spurious coin which he had taken from his clients. In a tone of surprise that raises a smile at the average morality of our forefathers, Bishop Burnet tells of Hale: "Another remarkable instance of his justice and goodness was, that when he found ill-money had been put into his hands, he would never suffer it to be vented again; for he thought it was no excuse for him to put false money in other people's hands because some had put it into his. A great heap of this he had gathered together, for many had so abused his goodness as to mix base money among the fees that were given him." In this particular case the judge's virtue was its own reward. His house being entered by burglars, this accumulation of bad money attracted the notice of the robbers, who selected it from a variety of goods and chattels and carried it off under the impression that it was the lawyer's hoarded treasure. Besides large sums expended on unusual acts of charity, this good man habitually distributed amongst the poor a tithe of his professional earnings.

In the seventeenth century General Retainers were very common, and counsel learned in the law were ready to accept them from persons of low extraction and questionable repute. Indeed, no upstart deemed himself properly equipped for a campaign at court until he had recorded a fictitious pedigree at the Heralds' College, taken a barrister as well as a doctor into regular employment, and hired a curate to say grace daily at his table. In the summer of his vile triumph Titus Oates was attended, on public occasions, by a robed counsel and a physician. "But note," says Roger North, in the 'Examen,' "it is a perpetual recommendation of hereditary honour, that every scrub who gets to be rich, immediately inquires into his extract, and then, and not before, he affects to be of an illustrious family. So this Oates must needs be descended of some ancient and worshipful stock; but there were not so many noble families strove for him as there were cities strove for the parentele of Homer. However, the heralds were sent for to make out his pedigree, and give him a blazon. They were posed at

the first of these, but they made good the blazon for him in a trice, and delivered it *authenticamente*, and it was engraved on his table and other plate, for he was rich, set up for a solemn housekeeper, and lived up to his quality. And as he had a learned counsel, with his bar-gown, at his elbow, so also one Dr. Jones, no less learned and well qualified in his way, was honoured with the care of his health under the character of his physician. And he valued himself, in reputation, much upon his preferment as a hopeful, if not certain, means to be renowned in practice. Such advantages flow from attendance on great quality."

CHAPTER XXXIII.

RETAINERS GENERAL AND SPECIAL.

PEMBERTON'S fees for his services in behalf of the Seven Bishops show that the most eminent counsel of his time were content with very modest remuneration for advice and eloquence. From the bill of an attorney employed in that famous trial, it appears that the ex-Chief Justice was paid a retaining-fee of five guineas, and received twenty guineas with his brief. He also pocketed three guineas for a consultation. At the present date, thirty times the sum of these paltry payments would be thought an inadequate compensation for such zeal, judgment, and ability as Francis Pemberton displayed in the defence of his right reverend clients.

But, though lawyers were paid thus moderately in the seventeenth century, the complaints concerning their avarice and extortions were loud and universal. This public discontent was due to the inordinate exactions of judges and place-holders rather than to the conduct of barristers and attorneys; but popular displeasure seldom cares to discriminate between the blameless and the culpable members of an obnoxious system, or to distinguish between the errors of ancient custom and the qualities of those persons who are required to carry out old rules. Hence the really honest and useful practitioners of the law endured a full share of the obloquy caused by the misconduct of venal justices and corrupt officials. Counsel, attorneys, and even scriveners came in for abuse. It was averred that they conspired to pick the public pocket, that eminent conveyancers, not less than copying clerks, swelled their emoluments by knavish tricks. They would talk for the mere purpose of protracting litigation, injure their clients by vexatious and bootless delays, and do their work so that they might be feed for doing it again. Draughtsmen and their clerks wrote loosely

and wordily, because they were paid by the folio. "A term," writes a quaint pamphleteer in 1642, "so like a vacation; the prime court, the Chancery (wherein the clerks had wont to dash their clients out of countenance with long dashes); the examiners to take the depositions in hyperboles, and roundabout *Robinhood* circumstances with *saids* and *aforesaids*, to enlarge the number of sheets."* 'Hudibras' contains, amongst other pungent satire against the usages of lawyers, an allusion to this characteristic custom of legal draughtsmen, who, being paid by the sheet, were wont

> To make 'twixt words and lines large gaps,
> Wide as meridians in maps;
> To squander paper and spare ink,
> Or cheat men of their words some think.

In the following century the abuses consequent on the objectionable system of folio-payment were noticed in a parliamentary report (bearing date November 8, 1740), which was the most important result of an ineffectual attempt to reform the superior courts of law and to lessen the expenses of litigation.†

* These words occur in a tract, entitled "Saint Hillaries Teares, shed upon all Professions, from the Judge to the Petty Fogger. From the Spruce Dames of the Exchange to the dusty walking Fishmongers. From the Coven-Garden Lady of Iniquity to the Turneball Street Trull. And Ladies from the Tower-Staires to Westminster Ferry. For want of a stirring Midsummer Terme. This Yeare of Disasters, 1642. Written by one of the Secretaries that had nothing else to doe. London: Printed for N. V. and F. B.—1642." To this curious pamphlet, which contains a striking picture of a dull London season at a critical period of our national history, special reference will be made in a later section of this work on Westminster Hall.

† One part of the report runs thus—"A great part of the expense of the suitors arises from the copies of the proceedings, the bills, answers, interrogatories, depositions, orders, and decrees, being often very long, and the copies of them necessary to be taken by the complainant or defendant, and sometimes by both, having but six words to a line and fifteen lines in a sheet, the expense of taking such copies amounts to a very great sum of money. How this great expense to the suitor may be lessened, whether by reducing the length of such proceedings, by leaving out the immaterial and unnecessary parts of them, or by inserting more words in a line or more lines in a sheet, for which there is more than sufficient room in every sheet, or by reducing the fee usually taken for such copies, or by what other ways or means, the Commissioners humbly submit to the considerations of those who may be better able to judge, and have authority to provide suitable expedients and remedies, and to establish proper regulations whereby justice may be administered to your Majesty's subjects with as much despatch and as little expense as conveniently may be." The humility of the law-reformers, of whom Lord Hardwicke was one, and their readiness to be guided by those "who might be better able to

More is known about the professional receipts of lawyers since the Revolution of 1688 than can be discovered concerning the incomes of their precursors in Westminster Hall. For six years, commencing with Michaelmas Term, 1719, Sir John Cheshire, King's Serjeant, made an average annual income of 3241*l.* Being then sixty-three years of age, he limited his practice to the Common Pleas, and during the next six years made in that one court 1320*l.* per annum. Mr. Foss, to whom the present writer is indebted for these particulars with regard to Sir John Cheshire's receipts, adds: "The fees of counsel's clerks form a great contrast with those that are now demanded, being only threepence on a fee of half-a-guinea, sixpence for a guinea, and one shilling for two guineas." Of course the increase of clerk's fees tells more in favour of the master than the servant. At the present time the clerk of a barrister in fairly lucrative practice costs his master nothing. Bountifully paid by his employer's clients, he receives no salary from the counsellor whom he serves; whereas, in old times, when his fees were fixed at the low rate just mentioned, the clerk could not live and maintain a family upon them, unless his master belonged to the most successful grade of his order.

Horace Walpole tells his readers that Charles Yorke "was reported to have received 100,000 guineas in fees;" but his fee-book shows that his professional rise was by no means so rapid as those who knew him in his sunniest days generally supposed. The story of his growing fortunes is indicated in the following statement of successive incomes:—1st year of practice at the bar, 12*l.*; 2nd, 20*l.*; 3rd and 4th, between 300*l.* and 400*l.* per annum; 5th, 700*l.*; 6th, 800*l.*; 7th, 1000*l.*; 9th, 1600*l.*; 10th, 2500*l.* Whilst Solicitor General he made 3400*l.* in 1757; and in the following year he earned 5000*l.* His receipts during the last year of his tenure of the Attorney Generalship amounted to 7322*l.* The reader should observe that as Attorney General he made but little more than Coke had realized in the same office,—a fact serving to show how

judge," are truly edifying. Nothing was done then to lessen the folio-abuse, and little has been achieved since. At the present time a folio is supposed to contain 72, instead of 90 words; and whilst the measure of words given has thus diminished, the price for them has more than proportionately increased.

much better paid were Crown lawyers in times when they held office like judges during the Sovereign's pleasure, than in later days when they retire from place together with their political parties.

The difference between the incomes of Scotch advocates and English barristers was far greater in the eighteenth century than at the present time, although in our own day the receipts of several second-rate lawyers of the Temple and Lincoln's Inn far surpass the revenues of the most successful advocates of the Edinburgh faculty. A hundred and thirty years since a Scotch barrister who earned 500*l.* per annum by his profession, was esteemed notably successful.

Just as Charles Yorke's fee-book shows us the pecuniary position of an eminent English barrister in the middle of the last century, John Scott's list of receipts displays the prosperity of a very fortunate Crown lawyer in the next generation. Without imputing motive the present writer may venture to say that Lord Eldon's assertions with regard to his earnings at the bar, and his judicial incomes, were not in strict accordance with the evidence of his private accounts. He used to say that his first year's earnings in his profession amounted to half-a-guinea, but there is conclusive proof that he had a considerable quantity of lucrative business in that same year. "When I was called to the bar," it was his humour to say, "Bessie and I thought all our troubles were over, business was to pour in, and we were to be rich almost immediately. So I made a bargain with her that during the following year all the money I should receive in the first eleven months should be mine, and whatever I should get in the twelfth month should be hers. That was our agreement, and how do you think it turned out? In the twelfth month I received half-a-guinea—eighteenpence went for charity, and Bessy got nine shillings. In the other eleven months I got not one shilling." John Scott, be it remembered, was called to the bar on February 9, 1776, and on October 2, of the same year, William Scott wrote to his brother Henry—"My brother Jack seems highly pleased with his circuit success. I hope it is only the beginning of future triumphs. All appearances speak strongly in his favour." There is no need to call evidence to show that

Eldon's success was more than respectable from the outset of his career, and that he had not been called many years before he was in the foremost rank of his profession. His fee-book gives the following account of his receipts in thirteen successive years:—1786, 6833*l.* 7*s.*; 1787, 7600*l.* 7*s.*; 1788, 8419*l.* 14*s.*; 1789, 9559*l.* 10*s.*; 1790, 9684*l.* 15*s.*; 1791, 10,213*l.* 13*s.* 6*d.*; 1792, 9080*l.* 9*s.*; 1793, 10,330*l.* 1*s.* 4*d.*; 1794, 11,592*l.*; 1795, 11,149*l.* 15*s.* 4*d.*; 1796, 12,140*l.* 15*s.* 8*d.*; 1797, 10,861*l.* 5*s.* 8*d.*; 1798, 10,557*l.* 17*s.* During the last six of the above-mentioned years he was Attorney General, and during the preceding four years Solicitor General.*

Although General Retainers are much less general than formerly, they are by no means obsolete. Noblemen could be mentioned who at the present time engage counsel with periodical payments, special fees of course being also paid for each professional service. But the custom is dying out, and it is probable that after the lapse of another hundred years it will not survive save amongst the usages of ancient corporations. Notice has already been taken of Murray's conduct when he returned nine hundred and ninety-five out of a thousand guineas to the Duchess of Marlborough, informing her that

* From this statement it is clear that in the first year of his tenure of the Solicitor's place his income rose by more than a thousand pounds; and yet, in the 'Anecdote-Book,' he coolly relates: "Soon after I became Solicitor General, His Majesty George III., at Weymouth, with the kindness which he usually manifested to me, said, 'Well, I hope your promotion has been beneficial to you?' I asked His Majesty if he meant in professional income? He said, 'Yes, in that and in other respects.' I told him, what was strictly true, that in annual receipt I thought I must lose about two thousand pounds a year. He seemed surprised, and asked how that could be accounted for? I stated to him that the attention of his law officers was called to matters of international law, public law, and the laws of revenue, and other matters, with which not having been previously familiar, they were obliged to devote to them a vast deal of time, and to withdraw it from those other common matters of business which were very profitable; and I concluded by stating what was then the habit of the solicitors of the public offices, to give the Solicitor General only three guineas with His Majesty's (the Government's) cases, which required more time and attention fully to consider, and satisfactorily to answer, than the cases of private individuals, with which their attorneys frequently left fees of ten, fifteen, twenty, or five-and-twenty guineas. 'Oh,' said the king, 'then for the first time I comprehend, what I could never before understand, why it has been always so difficult to get any opinions from my law officers.'" It is probable that the king's reply was a sly hit at his Solicitor's habit of procrastination.

the professional fee with a general retainer was neither more nor less than five guineas. The annual salary of a Queen's counsel in past times was in fact a fee with a general retainer; but this periodic payment is no longer made to wearers of silk.

In his learned work on "The Judges of England," Mr. Foss observes: "The custom of retaining counsel in fee lingered in form, at least in one ducal establishment. By a formal deed-poll between the proud Duke of Somerset and Sir Thomas Parker, dated July 19, 1707, the duke retains him as his 'standing counsell in ffee,' and gives and allows him 'the yearly ffee of four markes, to be paid by my sollicitor' at Michaelmas, 'to continue during my will and pleasure.'" Doubtless Mr. Foss is aware that this custom still "lingers in form;" but the tone of his words justifies the opinion that he underrates the frequency with which general retainers are still given. The "standing counsel" of civic and commercial companies are counsel with general retainers, and usually their general retainers have fees attached to them.

The last chapter draws attention to a passage in Roger North's 'Examen,' which informs the reader that when Titus Oates, at the height of his scandalous success, assumed arms and lived in state amongst the grandees of the town, he gave a general retainer to a counsellor learned in law, who seems to have attended him in public.

The payments of English barristers have varied much more than the remunerations of English physicians. Whereas medical practitioners in every age have received a certain definite sum for each consultation, and have been forbidden by etiquette to charge* more or less than the fixed rate, lawyers have been

* Within the last few years a great change has come over the medical profession in this respect. One much more frequently hears of popular surgeons and physicians who demand double or treble fees. This is in some measure a consequence of the diminished generosity of patients. Fifty years since the eminent surgeon only charged a guinea for an opinion given in his own house, but the rich patient very generally paid two, three, or five guineas. Sir Astley Cooper received in the form of complimentary fees far greater sums than any surgeon of the present times draws from the voluntary payments of the sick. When the additional honorarium came to be less frequently rendered, the "faculty" began to raise the *minimum* of

allowed much freedom in estimating the worth of their labour. This difference between the usages of the two professions is mainly due to the fact, that the amount of time and mental effort demanded by patients at each visit or consultation is very nearly the same in all cases, whereas the requirements of clients are much more various. To get up the facts of a law-case may be the work of minutes, or hours, or days, or even weeks; to observe the symptoms of a patient, and to write a prescription, can be always accomplished within the limits of a short morning call. In all times, however, the legal profession has adopted certain scales of payment—that fixed the *minimum* of remuneration, but left the advocate free to get more, as circumstances might encourage him to raise his demands. Of the many good stories told of artifices by which barristers have delicately intimated their desire for higher payment, none is better than an anecdote recorded of Serjeant Hill. A troublesome case being laid before this most erudite of George III.'s serjeants, he returned it with a brief note, that he "saw more difficulty in the case than, *under all the circumstances*, he could well solve." As the fee marked upon the case was only a guinea, the attorney readily inferred that its smallness was one of the circumstances which occasioned the counsel's difficulty. The case, therefore, was returned, with a fee of two guineas. Still dissatisfied, Serjeant Hill answered that "he saw no reason to change his opinion."

By the etiquette of the bar no barrister is permitted to take a brief on any circuit, save that on which he habitually practises, unless he has received a special retainer; and no wearer of silk can be specially retained with a less fee than three hundred guineas. Erskine's first special retainer was in the Dean of St. Asaph's case, his first speech in which memorable cause was delivered when he had been called to the bar but little more than five years. From that time till his elevation to the bench he received on an average twelve special retainers a year, by which at the minimum of payment he made 3600*l.*

remuneration. Moreover, in these days, when eminent physicians and surgeons are constantly called from London to Paris and Brussels, Vienna and Berlin, the old rates of payment are found insufficient for modern requirements; and the practitioner is consequently allowed to make his own terms.

per annum. Besides being lucrative and honourable, this special employment greatly augmented his practice in Westminster Hall, as it brought him in personal contact with attorneys in every part of the country, and heightened his popularity amongst all classes of his fellow-countrymen. In 1786 he entirely withdrew from ordinary circuit practice, and confined his exertions in provincial courts to the causes for which he was specially retained. No advocate since his time has received an equal number of special retainers; and if he did not originate the custom of special retainers,* he was the first English barrister who ventured to reject all other briefs.

There is no need to recapitulate all the circumstances of Erskine's rapid rise in his profession—a rise due to his effective brilliance and fervour in political trials; but this chapter on lawyers' fees would be culpably incomplete, if it failed to notice some of its pecuniary consequences. In the eighth month after his call to the bar he thanked Admiral Keppel for a splendid fee of one thousand pounds. A few years later a legal gossip wrote: "Everybody says that Erskine will be Solicitor General, and if he is, and indeed whether he is or not, he will have had the most rapid rise that has been known at the bar. It is four years and a half since he was called, and in that time he has cleared 8000*l.* or 9000*l.*, besides paying his debts—got a silk gown, and business of at least 3000*l.* a year—a seat in Parliament—and, over and above, has made his brother Lord Advocate."

Merely to mention large fees without specifying the work by which they were earned would mislead the reader. During the railway mania of 1845, the few leaders of the parliamentary bar received prodigious fees; and in some cases the sums were paid for very little exertion. Frequently it happened that a lawyer took heavy fees in causes, at no stage of which he either made a speech or read a paper in the service of his too liberal employers. During that period of mad speculation the committee-rooms of the two Houses were an El Dorado to

* Lord Campbell observes: "Some say that special retainers began with Erskine; but I doubt the fact." It is strange that there should be uncertainty as to the time when special retainers—unquestionably a comparatively recent innovation in legal practice—came into vogue.

certain favoured lawyers, who were alternately paid for speech and *silence* with reckless profusion. But the time was so exceptional, that the fees received and the fortunes made in it by a score of lucky advocates and solicitors cannot be fairly cited as facts illustrating the social condition of legal practitioners. As a general rule, it may be stated that large fortunes are not made at the bar by large fees. Our richest lawyers have made the bulk of their wealth by accumulating sufficient but not exorbitant payments. In most cases the large fee has not been a very liberal remuneration for the work done. Edward Law's retainer for the defence of Warren Hastings brought with it 500*l.*—a sum which caused our grandfathers to raise their hands in astonishment at the nabob's munificence; but the sum was in reality the reverse of liberal. In all, Warren Hastings paid his leading advocate considerably less than four thousand pounds; and if Law had not contrived to win the respect of solicitors by his management of the defence, the case could not be said to have paid him for his trouble. So also the eminent advocate, who in the great case of Small *v.* Attwood received a fee of 6000*l.*, was actually underpaid. When he made up the account of the special outlay necessitated by that cause, and the value of the business which the burdensome case compelled him to decline, he had small reason to congratulate himself on his remuneration.

A statement of the incomes made by chamber-barristers and of the sums realized by counsel in departments of the profession that do not invite the attention of the general public, would astonish those uninformed persons who estimate the success of a barrister by the frequency with which his name appears in the newspaper reports of trials and suits. The talkers of the bar enjoy more *éclat* than the barristers who confine themselves to chamber practice, and their labours lead to the honours of the bench; but a young lawyer, bent only on the acquisition of wealth, is more likely to achieve his ambition by conveyancing or arbitration-business than by court-work. Kenyon was never a popular or successful advocate, but he made 3000*l.* a year by answering cases. Charles Abbott at no time of his life could speak better than a vestryman of average ability; but by drawing informations and indictments, by writing opinions

on cases, he made the greater part of the eight thousand pounds which he returned as the amount of his professional receipts in 1807. In our own time, when that popular common-law advocate, Mr. Edwin James, was omnipotent with juries, his income never equalled the incomes of certain chamber-practitioners whose names are utterly unknown to the general body of English society.

CHAPTER XXXIV.

JUDICIAL CORRUPTION.

TO a young student making his first researches beneath the surface of English history, few facts are more painful and perplexing than the judicial corruption which prevailed in every period of our country's growth until quite recent times—darkening the brightest pages of our annals, and disfiguring some of the greatest chieftains of our race. Trained to associate ideas of moral elevation with the title and office of a judge, he no sooner peruses our most cautious and conscientious chroniclers than he is shocked by a series of odious accusations preferred against the highest dispensers of justice. Judge after judge is brought on the scene, only that his turpitude may be proclaimed. In short, it is matter for surprise, when no imputation of venality blackens the memoir of a Chancellor or Chief Justice. Royal proclamations and parliamentary enactments, petitions and impeachments, grave history and pleasant satire, the records of courts and the jests of the vulgar, show with equal force, though in different styles, the universality of the evil. Even more impressive than the indignation of writers who denounce the sinners is the significant tolerance of those who illustrate the sin with pleasantry and wit.

Where he narrates the fall and punishment of De Weyland, towards the close of the thirteenth century, Speed observes, "While the Jews by their cruel usuries had in one way eaten up the people, the justiciars, like another kind of Jews, had ruined them with delay in their suits, and enriched themselves with wicked convictions." Of judicial corruption in the reigns of Edward I. and Edward II. a vivid picture is given in a political ballad, composed in the time of the one or the other

of those monarchs. Of this poem Mr. Wright, in his "Political Songs," gives the following free version:—

"How happy they, though talking much, who are to all men just,
In whom iniquity excites abhorrence and disgust;
Whom gold or jewels cannot tempt their purity to stain,
Nor grant for favour to the rich what poor men ask in vain.

"But many now pursue a path 'twas better they should shun,
Drawn on by love of worldly things, and hope of honours won;
Money's the great inducement now, and scarcely in the land,
Is any court it does not bind as with a nuptial band.

"Judges there are whom gifts and favourites control,
Content to serve the devil alone and take from him a toll;
If nature's law forbids the judge from selling his decree,
How dread to those who finger bribes the punishment shall be.

"Such judges have accomplices whom frequently they send
To get at those who claim some land, and whisper as a friend,
'"Tis I can help you with the judge, if you would wish to plead,
Give me but half, I'll undertake before him you'll succeed.'

'The clerks who sit beneath the judge are open-mouthed as he,
As if they were half-famished and gaping for a fee;
Of those who give no money they soon pronounce the state,
However early they attend, they shall have long to wait.

"If comes some noble lady, in beauty and in pride,
With golden horns upon her head, her suit he'll soon decide;
But she who has no charms, nor friends, and is for gifts too poor,
Her business all neglected, she's weeping shown the door.

"But worse than all, within the court we some relators meet,
Who take from either side at once, and both their clients cheat;
The ushers, too, to poor men say, 'You labour here in vain,
Unless you tip us all around, you may go back again.'

"The sheriff's hard upon the poor who cannot pay for rest,
Drags them about to every town, on all assizes press'd;
Compell'd to take the oath prescrib'd without objection made,
For if they murmur and can't pay, upon their backs they're laid.

"They enter any private house, or abbey that they choose,
Where meat and drink and all things else are given as their dues;
And after dinner jewels too, or this were all in vain,
Bedels and garçons must receive, and all that form the train.

"And next must gallant robes be sent as presents to their wives,
Or from the manor of the host some one his cattle drives;
While he, poor man, is sent to gaol upon some false pretence,
And pays at last at double cost, ere he gets freed from thence.

"I can't but laugh to see their clerks, whom once I knew in need,
When to obtain a bailiwick they may at last succeed;
With pride in gait and countenance and with their necks erect,
They lands and houses quickly buy and pleasant rents collect.

"Grown rich, they soon the poor despise, and new-made laws display,
Oppress their neighbours and become the wise men of their day;
Unsparing of the least offence, when they can have their will,
The hapless country all around with discontent they fill."

It is quite probable that the author of this satire, inspired with indignation and carried away by artistic enthusiasm, errs on the side of severity; but that the picture was substantially truthful, with regard to the practices of certain courts, there is no reason to doubt. In the fourteenth century judicial corruption was so general and flagrant, that cries came from every quarter for the punishment of offenders. The Knights Hospitallers' Survey, made in the year 1338, gives us revelations that confound the indiscreet admirers of feudal manners. From that source of information it appears that regular stipends were paid to persons "tam in curiâ domini regis, quam justiciariis, clericis, officiariis et aliis ministris, in diversis curiis suis, ac etiam aliis familiaribus magnatum, tam pro terris tenementis redditibus et libertatibus Hospitalis, quam Templariorum, et maxime pro terris Templariorum manutenendis." Of pensions to the amount of 440*l.* mentioned in the account 60*l.* were paid to judges, clerks, and minor officers of courts. Robert de Sadington, the Chief Baron, received 40 marks annually; twice a year the Knights Hospitallers presented caps to one hundred and forty officers of the Exchequer; and they expended 200 marks *per annum* on gifts that were distributed in law courts, "*pro favore habendo,* et pro placitis habendis, et expensis parliamentorum." In that age, and for centuries later, it was customary for wealthy men and great corporations to make valuable presents to the judges and chief servants of the king's courts; but it was always presumed that the offerings were simple expressions of respect—not tribute rendered, "pro favore habendo."

Bent on purifying the moral atmosphere of his courts, Edward III. raised the salaries of his judges, and imposed upon them such oaths that none of their order could pervert justice, or even encourage venal practices, without breaking his solemn vow* to the king's majesty.

From the amounts of the *royal* fees or stipends paid to Edward III.'s judges, it may be vaguely estimated how far they were dependent on gifts and *court* fees for the means of living with appropriate state. John Knyvet, Chief Justice of the King's Bench, has 40*l.* and 100 marks per annum. The annual fee of Thomas de Ingleby, the solitary puisne judge of the King's Bench at that time was at first 40 marks; but he obtained an additional 40*l.* when the "fees" were raised, and he received moreover 20*l.* a year as a judge of assize. The

* A portion of the oath prescribed for judges in the "Ordinance for Justices," 20 Edward III., will show the reader the evils which called for correction, and the care taken to effect their cure. "Ye shall swear," ran the injunction to which each judge was required to vow obedience, "that well and lawfully ye shall serve our lord the king and his people in the office of justice, and that lawfully ye shall counsel the king in his business, and that ye shall not counsel nor assent to anything which may turn him in damage or disherison by any way, manner, or colour, and that ye shall not know the damage or disherison, whereof ye shall not cause him to be warned by yourself or by other; and that ye shall do equal law and execution of right to all his subjects, rich and poor, without regard to any person, and that ye take not by yourself or by other, privily or apertly, gift nor reward of gold nor silver, nor of any other thing which may turn to your profit, unless it be meat or drink, and that of small value, *of any man that shall have plea, or process before you, as long as the same process shall be so hanging, nor after for the same cause; and that ye shall take no fee as long as ye shall be justice, nor robes of any man, great or small,* but of the king himself; and that ye give none advice or counsel to no man, great or small, in any case where the king is party; &c. &c. &c." The clause forbidding the judge to receive gifts of actual suitors was a positive recognition of his right to "customary gifts" rendered by persons who had no processes hanging before him. It should, moreover, be observed that in the passage "ye shall take no fee as long as ye shall be justice, nor robes of any man," the word "fee" signifies "salary," and not a single payment or gratuity. The judge was forbidden to receive from any man a fixed stipend (by the acceptance of which he would become the donor's servant), or robes (the assumption of which would be open declaration of service); but he was at liberty to accept the offerings which the public were wont to make men of his condition, as well as the sums (or "fees," as they would be termed at the present day) due on the different processes of his court. That the word "fee" is thus used in the ordinance may be seen from the words "for this cause we have increased the fees (les feez) of the same our justices, in such manner as it ought reasonably to suffice them," by which language attention is drawn to the increase of the judicial salaries.

Chief of the Common Pleas, Robert de Thorpe, received 40*l.* per annum, payable during his tenure of office, and another annual sum of 40*l.* payable during his life. John de Mowbray, William de Wychingham, and William de Fyncheden, the other judges of Common Pleas, received 40 marks each as official salary, and 20*l.* per annum for their services at assizes. Mowbray's stipend was subsequently increased by 40 marks, whilst Wychingham and Fyncheden received an additional 40*l.* per annum. To the Chief Baron and the two other Barons of the Exchequer annual fees of 40 marks each were paid; the Chief Baron receiving 20*l.* per annum as Justice of Assize, and one of the puisne Barons, Almaric de Shirland, getting an additional 40 marks for certain special services. The "Issue Roll of 44 Edward III., 1370," also shows that certain serjeants-at-law acted as Justices of Assize, receiving for their service 20*l.* per annum.

Throughout his reign Edward III. strenuously exerted himself to purge his law courts of abuses, and secure his subjects from evils wrought by judicial dishonesty; and though there is reason to think that he prosecuted his reforms, and punished offending judges with more impulsiveness than consistency—with petulance rather than firmness*—his action must have produced many beneficial results. But it does not seem to have occurred to him that the system adopted by his predecessors, and encouraged by the usages of his own time, was the real source of the mischief, and that so long as judges received the greater part of their remuneration from suitors' fees and the donations of the public, enactments and proclamations would be comparatively powerless to preserve the streams of justice from pollution. The fee-system poisoned the morality of the law courts. From the highest judge to the lowest usher, every person connected with a court of justice was educated to receive small sums of money for trifling services, to be always looking out for paltry dues or gratuities, to multiply occasions for demanding, and

* Mr. Foss observes: "In 1350, William de Thorpe, the Chief Justice of the King's Bench, was convicted on his own confession of receiving bribes to stay justice; but though his property was forfeited to the Crown on his condemnation, the king appears to have relented, and to have made him second Baron of the Exchequer in May, 1352, unless I am mistaken in supposing the latter to have been the same person."

reasons for pocketing, petty coins, to invent devices for legitimate peculation. In the course of time it produced such complications of custom, right, privilege, claim, that no one could say definitely how much a suitor was actually bound to pay at each stage of a suit. The system had an equally bad influence on the public. Trained to approach the king's judges with costly presents, to receive them on their visits with lavish hospitality, to send them offerings at the opening of each year, the rich and the poor learnt to look on judicial decisions as things that were bought and sold. In many cases this impression was not erroneous. Judges were forbidden to accept gifts from actual suitors or to take payments *for* judgments after their delivery; but on the judgment-seat they were too often influenced by recollections of the conduct of suitors who *had been* munificent before the commencement of proceedings, and most probably would be equally munificent six months after delivery of a judgment favourable to their claims. Humorous anecdotes heightened the significance of patent facts. Throughout a shire it would be told how this suitor won a judgment by a sumptuous feast; how that suitor bought the justice's favour with a cask of rare wine, a horse of excellent breed, a hound of superior sagacity.

In the fifteenth century the judge whose probity did not succumb to an excellent dinner was deemed a miracle of virtue. "A lady," writes Fuller of Chief Justice Markham, who was dismissed from his place in 1470, "would traverse a suit of law against the will of her husband, who was contented to buy his quiet by giving her her will therein, though otherwise persuaded in his judgment the cause would go against her. This lady, dwelling in the shire town, invited the judge to dinner, and (though thrifty enough herself) treated him with sumptuous entertainment. Dinner being done, and the cause being called, the judge gave it against her. And when, in passion, she vowed never to invite the judge again, 'Nay, wife,' said he, 'vow never to invite a *just judge* any more.'" It may be safely affirmed that no English lady of our time has tried to bribe Sir Alexander Cockburn or Sir Frederick Pollock with a dinner *à la Russe*.

By his eulogy of Chief Justice Dyer, who died March 24,

1582, Whetstone gives proof that in Elizabethan England purity was the exception rather than the rule with judges:—

> "And when he spake he was in speeche reposde;
> His eyes did search the simple suitor's harte;
> To put by bribes his hands were ever closde,
> His processe just, he tooke the poore man's parte,
> He ruld by lawe and listened not to arte,
> These foes to truthe—loove, hate, and private gain,
> Which most corrupt, his conscience could not staine."

There is no reason to suppose that the custom of giving and receiving presents was more general or extravagant in the time of Elizabeth than in previous ages; but the fullest records of her splendid reign give greater prominence to the usage than it obtained in the chronicles of any earlier period of English history. On each New Year's Day her courtiers gave her costly presents—jewels, ornaments of gold or silver workmanship, hundreds of ounces of silver-gilt plate, tapestry, laces, satin dresses, embroidered petticoats. Not only did she accept such costly presents from men of rank and wealth, but she graciously received the donations of tradesmen and menials. Francis Bacon made her majesty "a poor oblation of a garment;" Charles Smith, the dustman, threw upon the pile of treasures "two bottes of cambric." The fashion thus countenanced by the queen was followed in all ranks of society; all men, from high to low, receiving presents, as expressions of affection when they came from their equals, as declarations of respect when they came from their social inferiors. Each of her great officers of state drew a handsome revenue from such yearly offerings. But though the burdens and abuses of this system were excessive under Elizabeth, they increased in enormity and number during the reigns of the Stuarts.

That the salaries of the Elizabeth judges were small in comparison with the sums which they received in presents and fees may be seen from the following Table of stipends and allowances annually paid, towards the close of the sixteenth century:—

"The Lord Cheefe Justice of England:—

	£	s.	d.
Fee, Reward, and Robes	208	6	8
Wyne, 2 tunnes at 5*l.* the tunne	10	0	0
Allowance for being Justice of Assize	20	0	0

"The Lord Cheefe Justice of the Common Pleas:—

	£	s.	d.
Fee, Reward, and Robes	141	13	4
Wyne, two tunnes	8	0	0
Allowance as Justice of Assize	20	0	0
Fee for keeping the Assize in the Augmentation Court	12	10	8

"Each of the three Justices in these two Courts:—

Fee, Reward, and Robes	128	6	8
Allowance as Justice of Assize	20	0	0

"The Lord Cheefe Baron of the Exchequer:—

Fee	100	0	0
Lyvery	12	17	8
Allowance as Justice of Assize	20	0	0

"Each of the three Barons:—

Fee	46	13	4
Lyvery a peece	12	17	4
Allowance as Justice of Assize	20	0	0

Prior to and in the earlier part of Elizabeth's reign, the sheriffs had been required to provide diet and lodging for judges travelling on circuit, each sheriff being responsible for the proper entertainment of judges within the limits of his jurisdiction. This arrangement was very burdensome upon the class from which the sheriffs were elected, as the official host had not only to furnish suitable lodging and cheer for the justices themselves, but also to supply the wants of their attendants and servants. The ostentatious and costly hospitality which law and public opinion thus compelled or encouraged them to exercise towards circuiteers of all ranks had seriously embarrassed a great number of country gentlemen; and the queen was assailed with entreaties for a reform that should free a sheriff of small estate from the necessity of either ruining himself, or incurring a reputation for stinginess. In consequence of these urgent representations, an order of council, bearing date February 21, 1574, decided "the justices shall have of her majesty several sums of money out of her coffers for their daily diet." Hence rose the usage of "circuit allowances." The sheriffs, however, were still bound to attend upon the judges, and make suitable provision for the safe-conduct of the legal functionaries from assize town to assize town;—the sheriff of each county being required to furnish a body-guard for the protection of the sovereign's representatives.

This responsibility lasted till the other day, when an innovation (of which Mr. Arcedeckne, of Glevering Hall, Suffolk, was the most notorious, if not the first champion), substituted guards of policemen, paid by county-rates, for bands of javelin-men equipped and rewarded by the sheriffs. In some counties the javelin-men—remote descendants of the mail-clad knights and stalwart men-at-arms who formerly mustered at the summons of sheriffs—still do duty with long wands and fresh rosettes; but they are fast giving way to the wielders of short staves.

Amongst the bad consequences of the system of gratuities was the colour which it gave to idle rumours and malicious slander against the purity of upright judges. Whenever a Chancellor's political adversaries wished to blacken his fair name, they whispered stories of occasions when he had obeyed corrupt influences, and forthwith from the multitude of disappointed suitors would arise persons who, inspired by resentment or by sincere belief in the unfairness of his decisions, would offer themselves as witnesses against him. It could always be proved that he had received gifts from persons who, at some time or other, had been suitors in his court; it would be safely suggested that these presents had produced an effect on his decisions; where an offering had been made before the commencement of a suit, people were ready to suspect that the donor had given a hint as to the nature of the coming process; where a considerable period had elapsed between the end of the suit and the date of the gift, people were equally ready to suspect that the payment for work done was prudently deferred at the judge's request, in order that public decorum might not be insulted. Men dishonest enough to present needlessly handsome gifts to a Lord Keeper on New Year's Day, in the hope of winning his favour, naturally thought that corresponding baseness induced him to accept them. No sooner, therefore, had he been thrust from office, than voices cried aloud for his punishment.

When Sir Thomas More fell, charges of bribery were preferred against him before the Privy Council. A disappointed suitor, named Parnell, declared that the Chancellor had been bribed with a gift-cup to decide in favour of his (Parnell's) adversary. Mistress Vaughan, the successful suitor's wife, had

given Sir Thomas the cup with her own hands. The fallen Chancellor admitting that "he had received the cup as a New Year's Gift, Lord Wiltshire cried with unseemly exultation, "Lo! did I not tell you, my lords, that you would find this matter true?" It seemed that More had pleaded guilty, for his oath did not permit him to receive a New Year's Gift from an actual suitor. "But, my lords," continued the accused man, with one of his characteristic smiles, "hear the other part of my tale. After having drunk to her of wine, with which my butler had filled the cup, and when she had pledged me, I restored it to her, and would listen to no refusal." It is possible that Mistress Vaughan did not act with corrupt intention, but merely in ignorance of the rule which forbade the Chancellor to accept her present. As much cannot be said in behalf of Mrs. Croker, who, being opposed in a suit to Lord Arundel, sought to win Sir Thomas More's favour by presenting him with a pair of gloves containing forty angels. With a courteous smile he accepted the gloves, but constrained her to take back the gold. The gentleness of this rebuff is charming; but the story does not tell more in favour of Sir Thomas than to the disgrace of the lady and the moral tone of the society in which she lived.

Readers should bear in mind the part which New Year's Gifts and other customary gratuities played in the trumpery charges against Lord Bacon. Adopting the old method of calumny, the conspirators against his fair fame represented that the gifts made to him, in accordance with ancient usage, were bribes. For instance, Reynell's ring, presented on New Year's Day, was so construed by the accusers; and in his comment upon the charge, Bacon, who had inadvertently accepted the gift during the progress of a suit, observes, "This ring was received certainly *pendente lite*, and though it were at New Year's tide, yet it was too great a value for a New Year's Gift, though, as I take it, nothing near the value mentioned in the article." So also Trevor's gift was a New Year's present, of which Bacon says, "I confess and declare that I received at New Year's tide an hundred pounds from Sir John Trevor, and because it came as a New Year's Gift, I neglected to inquire whether the cause was ended or depending; but since I find

that though the cause was then dismissed to a trial at law, yet the equity is reserved, so as it was in that kind *pendente lite.*" Bacon knew that this explanation would be read by men familiar with the history of New Year's Gifts, and all the circumstances of the ancient usage; and it is needless to say that no man of honour thought the less highly of Bacon at the time, because his pure and guiltless acceptance of customary presents was by ingenious and unscrupulous adversaries made to assume an appearance of corrupt compliance.

How far the Chancellors of the sixteenth and seventeenth centuries depended upon customary gratuities for their revenues may be seen from facts which show the degree of state which they were required to maintain, and the inadequacy of the ancient fees for the maintenance of that pomp. When Elizabeth pressed Hatton for payment of the sums which he owed her, the Chancellor lamented his inability to liquidate her just claims, and urged in excuse that the *ancient fees* were very inadequate to the expenses of the Chancellor's office. But though Elizabethan Chancellors could not live upon their ancient fees, they kept up palaces in town and country, fed regiments of lackeys, and surpassed the ancient nobility in the grandeur of their equipages. Egerton—the needy and illegitimate son of a rural knight, a lawyer who fought up from the ranks—not only sustained the costly dignities of office, but left to his descendants a landed estate worth 8000*l.* per annum. Bacon's successor in the "marble chair," Lord Keeper Williams, assured Buckingham that in Egerton's time the Chancellor's lawful income was less than three thousand per annum. "The lawful revenue of the office stands thus," wrote Williams, speaking from his intimate knowledge of Ellesmere's affairs, "or not much above it at any time:—In fines certain, 1300*l.* per annum, or thereabouts; in fines casual, 1250*l.* or thereabouts; in greater writs, 140*l.*; for impost of wine, 100*l.*—in all, 2790*l.*; and these are all the true means of that great office."* It is probable that Williams under-stated the re-

* On Williams's report Lord Campbell makes the following injudicious observations in the last edition of his "Lives of the Chancellors:"—"This must be a most extravagant understatement of the profits of the office. I say nothing of bribes and presents, said in Lord Bacon's four years to have amounted to 100,000*l.*; but the

venue, but it is certain that the income, apart from gratuities, was insufficient.

The Chancellor was not more dependent on customary gratuities than the chiefs of the three Common Law courts. At Westminster and on circuit, whenever he was required to discharge his official functions, the English judge extended his hand for the contributions of the well-disposed. No one thought of blaming judges for their readiness to take customary benevolences. To take gifts was a usage of the profession, and had its parallel in the customs of every calling and rank of life. The clergy took dues in like manner: from the earliest days of feudal life the territorial lords had supplied their wants in the same way; amongst merchants and yeomen, petty traders and servants, the system existed in full force. These presents were made without any secrecy. The aldermen of borough towns openly voted presents to the judges; and the judges received their offerings—not as benefactions, but as legitimate perquisites. In 1620—just a year before Lord Bacon's fall—the municipal council of Lyme-Regis left it to the "mayor's discretion" to decide "what gratuity he will give to the Lord Chief Baron and his men" at the next assizes. The system, it is needless to say, had disastrous results. Empowering the chief judge of every court to receive presents not only from the public, but from subordinate judges, inferior officers, and the bar; and moreover empowering each place-holder to take gratuities from persons officially or by profession concerned in the business of the courts, it produced a complicated machinery for

regular legitimate fees and perquisites enabled the Lord Chancellor to maintain a princely establishment, and with common prudence to amass a great fortune. In a MS. treatise on the Court of Chancery by Sir Robert Cotton, which I have seen, it is said: 'The Lord Chancellor hath for his allowance, and of the Masters of Chancery, 542*l.* 15*s.*, and 300*l.* for his attendance in the Star Chamber, 200*l.* for wine, 64*l.* for wax, and 6*l.* yearly for the casual fines, *communibus annis*, 300*l.* Item, 2*l.* of every patent, and the fines of all extents.' But this beggarly account cannot be at all relied on.". Lord Campbell adduces no proof that, apart from the donations designated "bribes and presents," the Lord Chancellor could maintain a princely establishment and amass wealth from his "legitimate fees and perquisites." He was signally in error in supposing that such was the case. The New Year's Gifts and customary offerings were neither bribes nor exactions, but "legitimate perquisites" of office, without which the Lord Chancellor would have been far poorer than the Attorney General, who used to make from 6000*l.* to 7000*l.* per annum.

extortion. By presents the chief justices bought their places from the crown or a royal favourite; by presents the puisne justices, registers, counsel bought place or favour from the chief; by presents the attorneys, sub-registers, and outside public sought to gain their ends with the humbler place-holders. The meanest ushers of Westminster Hall took coins from ragged scriveners. Hence every place was actually bought and sold, the sum being in most cases very high. Sir James Ley offered the Duke of Buckingham 10,000*l.* for the Attorney's place. At the same period the Solicitor General's office was sold for 4000*l.* Under Charles I. matters grew still worse than they had been under his father. When Sir Charles Cæsar consulted Laud about the worth of the vacant Mastership of the Rolls, the archbishop frankly said, "that as things then stood, the place was not likely to go without more money than he thought any wise man would give for it." Disregarding this intimation, Sir Charles paid the king 15,000*l.* for the place, and added a loan of 2000*l.* Sir Thomas Richardson, at the opening of the reign, gave 17,000*l.* for the Chiefship of the Common Pleas. If judges needed gifts before the days when vacant seats were put up to auction, of course they stood all the more in need of them when they bought their promotions with such large sums. It is not wonderful that the wearers of ermine repaid themselves by venal practices. The sale of judicial offices was naturally followed by the sale of judicial decisions. The judges having submitted to the extortions of the king, the public had to endure the extortions of the judge. Corruption on the bench produced corruption at the bar. Counsel bought the attention and compliance of "the court," and in some cases sold their influence with shameless rascality. They would take fees to speak from one side in a cause, and fees to be silent from the other side—selling their own clients as coolly as judges sold the suitors of their courts. Sympathizing with the public, and stung by personal experience of legal dishonesty, the clergy sometimes denounced from the pulpit the extortions of corrupt judges and unprincipled barristers. The assize sermons of Charles I.'s reign were frequently seasoned with such animadversions. At Thetford Assizes, March, 1630, the Rev. Mr. Ramsay, in the assize-sermon, spoke indignantly of judges who

"favoured causes," and of "counsellors who took fees to be silent." In the summer of 1631, at the Bury Assizes, "one Mr. Scott made a sore sermon in discovery of corruption in judges and others." At Norwich, the same authority, viz., "Sir John Rous's Diary," informs us—"Mr. Greene was more plaine, insomuch that Judge Harvey, in his charge, broke out thus: 'It seems by the sermon that we are corrupt, but we know that we can use conscience in our places as well as the best clergieman of all.'"

In his "Life and Death of Sir Matthew Hale," Bishop Burnet tells a good story of the Chief's conduct with regard to a customary gift. "It is also a custom," says the biographer, "for the Marshall of the King's Bench to present the judges of that court with a piece of plate for a New Year's Gift, that for the Chief Justice being larger than the rest. This he intended to have refused, but the other judges told him it belonged to his office, and the refusing it would be a prejudice to his successors, so he was persuaded to take it, but he sent word to the marshall, that instead of plate he should bring him the value of it in money, and when he received it, he immediately sent it to the prisons for the relief and discharge of the poor there."

CHAPTER XXXV.

GIFTS AND SALES.

BY degrees the public ceased to make presents to the principal judges of the kingdom; but long after the Chancellor and the three Chiefs had taken the last offerings of general society, they continued to receive yearly presents from the subordinate judges, placemen, and barristers of their respective courts. Lord Cowper deserves honour for being the holder of the seals who, by refusing to pocket these customary donations, put an end to a very objectionable system, so far as the Court of Chancery was concerned.

On being made Lord Keeper, he resolved to depart from the custom of his predecessors for many generations, who on the first day of each new year had invariably entertained at breakfast the persons from whom tribute was looked for. Very droll were these receptions in the old time. The repast at an end, the guests forthwith disburdened themselves of their gold —the payers approaching the holder of the seals in order of rank, and laying on his table purses of money, which the noble payee accepted with his own hands. Sometimes his lordship was embarrassed by a ceremony that required him to pick gold from the fingers of men, several of whom he knew to be in indigent circumstances. In Charles II.'s time it was observed that the silver-tongued Lord Nottingham on such occasions always endeavoured to hide his confusion under a succession of nervous smiles and exclamations—"Oh, Tyrant Cuthtom!—Oh, Tyrant Cuthtom!" For the silver-tongued Heneage Finch suffered under a defect which, although it never mars the utterance of our present Chancellor, was imputed to Lord Westbury by the retailers of gossip, who, during the noise of the

Edmunds' scandal* were pleased to call official peculation—*embethelment.*

It is noteworthy that in relinquishing the benefit of these exactions, the Lord Keeper feared unfriendly criticism much more than he anticipated public commendation. In his diary, under date December 30, Cowper wrote:—"I acquainted my Lord Treasurer with my design to refuse New Year's Gifts, if he had no objection against it, as spoiling, in some measure, a place of which he had the conferring. He answered it was not expected of me, but that I might do as my predecessors had done; but if I refused, he thought nobody could blame me for it." Anxious about the consequences of his innovation, the new Lord Keeper gave notice that on January 1, 1705-6, he would receive no gifts; but notwithstanding this proclamation, several officers of Chancery and counsellors came to his house with tribute, and were refused admittance. "New Year's Gifts turned back," he wrote in his diary at the close of the eventful day, "and pray God it doth me more credit and good than hurt, by making secret enemies *in fœce Romuli.*" His fears were in a slight degree fulfilled. The Chiefs of the three Common Law Courts were greatly displeased with an innovation which they had no wish to adopt; and their warm expressions of dissatisfaction induced the Lord Keeper to cover his disinterestedness with a harmless fiction. To pacify the indignant Chiefs and the many persons who sympathized with them, he pretended that though he had declined intentionally the gifts of the Chancery barristers, he had not designed to exercise the same self-denial with regard to the gifts of Chancery officers. To give this colour to his conduct, he wrote his father the following note, which is not less interesting as an illustration of past manners, than as a proof of the Lord Keeper's discomfort:†—

* It is needless to remind the reader that the parliamentary inquiry, consequent upon the official misconduct of Mr. Leonard Edmunds, had a termination at the same time satisfactory to Lord Westbury and gratifying to all who cared for the preservation of his lordship's honourable name.

† It should be observed that many persons are of opinion that the Lord Keeper's letter to his father was not an artifice, but a simple statement of fact. To those who take this view, his lordship's position seems alike ridiculous and respectable—respectable because he actually intended to forbear from taking the barristers'

"Jan. 2, 1705 [-6].

"Honourd Sir,—Your saying yesterday I was y^e^ talk of coffee-houses, and on recollection apprehending you to be in a mistake as to some particulars, and therefore fearing you should be necessitated by others to speak of that subject, I send you this to prevent mistake; y^e^ rather, because what you say will be reasonably thought of authority as to my concerns. The true fact is this. I had alwaies resolved to refuse the Counc. N. Y. Gifts, as that which no court or judge in England or elsewhere received; and therefore y^e^ day before sent word to all y^e^ counc. I could think likely to come to forbid it; but I sent to none of y^e^ officers, intending to make the same distinction as the other chiefs do: I had accordingly prepared a cold breakfast for the reception of the officers as usual, but finding several counc. came who I had not thought of, and that they would come thick one on another, I could not be at home to some and not to others, and therefore to prevent disputing w^th^ y^e^ counc. I was denyed to all: but I never forbid y^e^ other officers, otherwise I would have this distinction made, y^e^ rather because I find, by being abroad, y^t^ to carry it so far, doth not please others besides y^e^ chiefs, who probably submit to the same practice. Be pleased to let my mo. see this, fro

"Y^r^ most dutifull

"and affectionat Sonne,

"Wm. Cowper."

Lady Cowper's Diary contains the following notice of this occurrence:—"January 17. This month used to be ushered in with New Year's Gifts from the lawyers, which used to come to near 3000*l.* to the Chancellor. The original of this custom was from presents of wine and provisions, which used to be sent to the Chancellor by the people who practised in his court; but in process of time a covetous Chancellor insinuated to them that gold would be more acceptable: so it was changed into gold, and continued so till the first time my lord had the seals

money; ridiculous because, through clumsy and inadequate arrangements, he missed the other and not less precious gifts which he did not mean to decline. Anyhow, the critics admit that credit is due to him for persisting in a change—wrought in the first instance partly by honourable design and partly by accident.

— everybody having blamed it that ever had the seals, but none forbidding it. The Earl of Nottingham,* when Chancellor, used to receive them standing by a table, and at the same time he took the money to lay it upon the table, he used to cry out, 'Oh! Tyrant Cuthtom' (for he lisped).—My lord forbid the bringing them." It has been matter of discussion whether, in the first instance, the Lord Keeper intended to reject the officers' bounties as well as the barristers' gifts, or whether his letter to Sir William Cowper truthfully stated his purpose; but it is certain that he, on no subsequent New Year's Day, accepted tribute from the Chancery placemen. He persisted that he could not take donations "even from the officers, after having once refused them, though unintentionally." Cowper's conduct in this matter was celebrated by Ambrose Philips in the lines—

> "He the robe of justice wore,
> Sullied not as heretofore,
> When the magistrate was sought
> With 'Yearly Gifts.' Of what avail
> Are guilty hoards? for life is frail,
> And we are judged where favour is not bought."

Of Lord Cowper's fine carelessness for pecuniary gains, Colley Cibber has preserved another instance. When Steele's patent appointing him Governor of the Theatre Royal passed under the Great Seal, Cowper declined his legal fee, in courteous recognition of the author's merit.

The common law chiefs were slow to follow in the Lord Keeper's steps, and many years passed before the reform, effected in Chancery by accident or design, or by a lucky combination of both, was adopted in the other great courts. In his memoir of Lord Cowper, Campbell observes: "His example

* Although Lord Nottingham committed many grave faults, and was endowed with many dangerous qualities, immoderate love of money was not in the number of his failings. The possession of great wealth rendered disinterestedness in pecuniary affairs an easy virtue in his case; but it is only just to admit that during his tenure of the seals he was not a grasping man. Of his own free will, he relinquished the allowance of 4000*l.* per annum made to him for the cost of official hospitalities; he never wrung from the king a grant of land; and on taking office he did not bargain for a retiring pension.

with respect to New Year's Gifts* was not speedily followed; and it is said that till very recently the Chief Justice of the Common Pleas invited the officers of his court to a dinner at the beginning of the year, when each of them deposited under his plate a present in the shape of a Bank of England note, instead of a gift of oxen roaring at his levee, as in ruder times." There is no need to remind the reader in this place of the many veracious and the many apocryphal stories con-

* Notwithstanding his forbearance in respect of New Year's Gifts, William Cowper enjoyed a large official income. The "Private Diary of William, First Earl Cowper, Lord Chancellor of England," published in 1833, contains the following entries:—

"Anno 1705.

"Oct. 11th.—I met by appointment L^{d} T^{r} at L^{d} Hallifax's at 11 morn., when I agreed to accept the Great Seal (a matter long before proposed to me) on condition I had the same money for equipage, and salary of 4000*l.* per annum, as my predecessor had, and a promise of a peerage next promotion; which he agreed to, and said would have done the last at same time if it had ever been done.

		£	s.	d.	£	s.	d.
"Sat. 1705.	Equip. mony	1900	0	0			
	½ yr.	2532	19	0	10,122	13	6
		5689	14	6			
"1706.		1683	19	6			
		1673	6	1			
		150	0	0	7499	4	7
		1781	14	6			
		2210	4	6			
"1707.		2049	10	2			
		1310	2	3			
		882	10	3	7485	13	2
		1311	0	6			
		1932	10	0			
"1708..					7061	12	2
"1709.					6245	16	11
	And				3408	13	9
					9654	10	8
"1714.	Restor'd, &c., ½ a year				6006	2	3
					4104	1	9
"1715.					10,110	4	0
"1716.					8438	1	6
"1717.					8853	12	1
		4047	2	10			
		209	16	0			
		1350	0	0	5616	18	10
		10	0	0			

cerning the basket* justice of Fielding's time,—stories showing that in law courts of the lowest sort applicants for justice were accustomed to fee the judges with victuals and drink until a comparatively recent date.

Lucky would it have been for the first Earl of Macclesfield if the custom of selling places in Chancery had been put an end to for ever by the Lord Keeper who abolished the custom of New Year's Gifts; but the judge who at the sacrifice of one-fourth of his official income swept away the pernicious usage which had from time immemorial marked the opening of each year, saw no reason why he should purge Chancery of another scarcely less objectionable practice. Following the steps of their predecessors, the Chancellors Cowper, Harcourt, and Macclesfield sold subordinate offices in their court; but whereas all previous Chancellors had been held blameless for so doing, Lord Macclesfield was punished with official degradation, fine, imprisonment, and obloquy.

By birth as humble† as any layman who before or since his time has held the seals, Thomas Parker raised himself to the woolsack by great talents and honourable industry. As an advocate he won the respect of society and his profession; as a judge he ranks with the first expositors of English law. Although for imputed corruption he was hurled with ignominy from his high place, no one has ventured to charge him with venality on the bench. That he was a spotless character, or that his career was marked by grandeur of purpose, it would be difficult to establish; but few Englishmen could at the present time be found to deny that he was in the main an upright peer, who was not wittingly neglectful of his duty to the country which had loaded him with wealth and honours.

* Of Henry Fielding, the present writer observes:—"He had to arbitrate for the poor, to adjudicate on the squabbles of the lowest refuse of the Westminster population, and to protect the oppressed—a work which such a man could not carelessly perform. One of his predecessors made 1000*l.* per annum in the place; but Fielding, who would never receive a penny not legally due to him from the poor wretches who came as accusers and accused before him, never achieved an income beyond a bare 350*l.*"—*Novels and Novelists, from Elizabeth to Victoria*, vol. i. 109.

† The cases of John Scott, Philip Yorke, and Edward Sugden are before the mind of the present writer, when he pens the sentence to which this note refers. The social extraction of the English bar will be considered in a later chapter of this work.

Amongst the many persons ruined by the bursting of the South Sea Bubble were certain Masters of Chancery, who had thrown away on that wild speculation large sums of which they were the official guardians. Lord Macclesfield was one of the victims on whom the nation wreaked its wrath at a crisis when universal folly had produced universal disaster. To punish the masters for their delinquencies was not enough; greater sacrifices than a few comparatively obscure placemen were demanded by the suitors and wards whose money had been squandered by the fraudulent trustees. The Lord Chancellor should be made responsible for the Chancery defalcations. That was the will of the country. No one pretended that Lord Macclesfield had originated the practice which permitted Masters in Chancery to speculate with funds placed under their care; attorneys and merchants were well aware that in the days of Harcourt, Cowper, Wright, and Somers, it had been usual for masters to pocket interest accruing from suitors' money;* notorious also was it that, though the Chancellor was theoretically the trustee of the money confided to his court, the masters were its actual custodians. Had the Chancellor known that the masters were

* With regard to the ancient custom of selling masterships, and also with regard to the privileges of Masters in Chancery in past times, Mr. Foss observes:—"By the evidence produced on Lord Macclesfield's trial, it appears that Lord Harcourt received 250*l.* for the appointment of Clerk of the Custodies; and that two of the Masters in Chancery gave him, one 700*l.* and the other 800*l.* for their places; and that from a third, Lord Cowper, although he had abolished the equally pernicious custom of New Year's Gifts, received a similar sum. These three masters were the only surviving ones who could give direct evidence; and indirect evidence of the prices given by their predecessors was not allowed, though no denial of the previous long-established practice was attempted. The office of Master in Chancery was extremely profitable, not only from the fees to which the holder of it was entitled, but from the interest he made by the speculative use of the suitors' money, placed under the orders of the court in his hands; the practice being for each master in turn to attend the court, and to have the funds involved in the causes in dispute on the days of his attendance intrusted to his care. These sums in the progress of time largely increased, so that each master became the banker of the court to an immense amount, no less than 120,000*l.* being delivered up at the death of one of them to his successor. The profits of the place, therefore, being proportionably large, the price demanded for it was naturally enhanced, and there is proof that one retiring master would not accept less for it than 6000*l.*, besides the present of 1500 guineas which the purchaser had to offer to the Chancellor for his admission; and that when a master died, Lord Chancellor Macclesfield received 5000 guineas for the new appointment."—*Judges of England*, viii. pp. 2, 3.

trafficking in dangerous investments to the probable loss of the public, duty would have required him to examine their accounts and place all trust-moneys beyond their reach; but until the crash came Lord Macclesfield knew neither the actual worthlessness of the South Sea Stock, nor the embarrassed circumstances of the defaulting masters, nor the peril of the persons committed to his care. The system which permitted the masters to speculate with money not their own was execrable, but the Lord Chancellor was not the parent of that system.

Infuriated by the national calamity, in which they were themselves great sufferers, the Commons impeached the Chancellor, charging him with high crimes and misdemeanours, of which the peers unanimously declared him guilty. In this famous trial the great fact established against his lordship was that he had sold masterships to the defaulters. It appeared that he had not only sold the places, but had stood out for very high prices; the inference being, that in consideration of these large sums he had left the purchasers without the supervision usually exercised by Chancellors over such officers, and had connived at the practices which had been followed by ruinous results. To this it was replied, that if the Chancellor had sold the places at higher prices than his predecessors, he had done so because the places had become much more valuable; that at the worst he had but sold them to the highest bidder, after the example of his precursors; that the inference was not supported by any direct testimony.

Very humorous was some of the evidence by which the sale of the masterships was proved. Master Elde deposed that he bought his office for 5000 guineas, the bargain being finally settled and fulfilled after a personal interview with the accused lord. Master Thurston, another purchaser at the high rate of 5000 guineas, paid his money to Lady Macclesfield.* It must

* The reader should glance at the evidence of Masters Elde and Thurston. Master Elde deposed:—"His lordship said 'he had no manner of objection to me; he had known me a considerable time, and he believed I should make a good officer.' He desired me 'to consider of it, and to come to him again.' I came again in a day or two, and told him I had considered of it, and if his lordship would admit me, I would make him a present of 4000*l.* or 5000*l.*; I cannot say which of the two, but I believe it was 5000*l.* My lord said, 'Thee and I,' or 'you and I' (my lord was pleased to treat me as a friend) must not make bargains.' He said 'if I was desirous

be owned that these sums were very large, but their magnitude does not fix fraudulent purpose upon the Chancellor. That he believed himself fairly entitled to a moderate present on appointing to a mastership is certain; that he regarded 2000*l.* as the gratuity which he might accept, without blushing at its publication, may be inferred from the restitution of 3250*l.* which

to have the office, he would treat with me in a different manner than he would with any man living.' I spoke to Mr. Cottingham, meeting him in Westminster Hall, and told him 'I had been at my lord's, and my lord was pleased to speak very kindly to me, and I had proposed to give him 5000*l.*' Mr. Cottingham answered, 'Guineas are handsomer.' I immediately went to my lord's, being willing to get into my office as soon as I could. I did carry with me 5000 guineas in gold and bank-notes. I had the money in my chambers, but did not know how to convey it—it was a great burthen and weight—but recollecting I had a basket in my chambers, I put the guineas into the basket, and the notes with them. I went in a chair, and took the basket with me in my chair. When I came to my lord's house, I saw Mr. Cottingham there, and gave him the basket, and desired him to carry it up to my lord. I saw him go upstairs with the basket, and when he came down he intimated to me that he had delivered it. When I was admitted, my lord invited me to dinner and some of my friends with me, and he was pleased to treat me and some members of the House of Commons in a very handsome manner. I was after dinner sworn in before them. Some months after, I spoke to my lord's gentleman, and desired him, if he saw such a basket, that he would give it me back. He did so, but no money was returned with it." Not less amusing is Master Thurston's account of his intercourse with Lady Macclesfield:—"Since I could not have ready access to so great a person as his lordship, I went to Kensington one morning to wait upon the Countess of Macclesfield, and upon sending up my name and that I desired to speak with her, in a short time I had the honour of seeing her, and acquainted her that I was the person that my lord had promised the office to, and I desired her to intercede with my lord that I might be speedily sworn in. Her ladyship said, 'She never did meddle in affairs of a public nature.' I used several arguments with her, as that 'the thing was now before the public and in print, and it would be a great disappointment to me, and might affect my character, if my lord did not think fit to admit me,' and I acquainted her ladyship that 'I did not expect or desire to come in without the due present that is always esteemed the perquisite of the Great Seal.' Her ladyship was prevailed upon to promise 'she would write a letter and acquaint my Lord Chancellor with it.' Before I went away from the room where I had the honour to be with my lady, I did leave upon the table bank-notes to the value of 5250*l.*" *Q.* "How were they directed?" *A.* "I directed them to the Countess of Macclesfield." *Q.* "How soon after were you admitted?" *A.* "Within two or three days at the farthest I was admitted and sworn in." The witness then goes on to state that . . . . He added, however, "that some months after, and shortly before the complaints against the Lord Chancellor broke out, Lady Macclesfield sent for him, and returned him 3250*l.*, saying 'she did not know he had left so large a present—that it was too large a present—that she was afraid my Lord Chancellor would come to the knowledge of it—that the largest part must be taken back, and that she would appropriate the rest to her own use.'"

he made to one of the purchasers for 5250*l.* at a time when he anticipated an inquiry into his conduct; that he felt himself acting indiscreetly if not wrongfully in pressing for such large sums is testified by the caution with which he conferred with the purchasers, and the secrecy with which he accepted their money. But it is not credible that he, a wealthy man, enjoying the cordial confidence of his sovereign, and holding the highest office of his profession, would for ten times the sums thus paid him have jeopardized his position and name by voluntarily becoming an accomplice in transactions which, in his opinion, offered the slightest chance of the loss that eventually fell upon the Chancery suitors. Gradually there had sprung up in Chancery a lax system of dealing with suitors' funds; by this reprehensible system the masters were well known to make large profits; while the South Sea madness was at its height the opportunities which masters enjoyed for making money were of great and unprecedented value; knowing this, the Lord Chancellor could not resist the temptation to heighten the price of the vacant posts; yielding to the temptation, he unconsciously contributed to the ruin of helpless persons whom he was bound to protect. This is the worst construction that can be put on Lord Macclesfield's conduct. That he deliberately and with full knowledge imperilled the interests of those unfortunate persons is not to be believed.

His defence before the peers admitted the sales of the places, but maintained that the transactions were legitimate.*

* "Our own records," it was argued with a boldness which astonishes readers of the present day, "present many instances of the highest offices in the administration of justice being exposed to sale, and openly and avowedly, and without censure or scandal, purchased from the Crown. With us the distinction has always been preserved between the sale of justice and the sale of judicial offices; and while the former has been condemned, the latter has been tolerated. In the time of King Stephen, 'Richard Fitz-Allured fined fifteen marks of silver that he might sit with Ralph Basset, the King's Justiciar, to hold the King's Pleas,' or, as we should say, 'to be a Puisne Judge of the Court of King's Bench;' and an entry is made of the receipt of the money as part of the ordinary revenue of the State. So, in a subsequent reign, there is an enrolment in the public records still extant, showing that the office of Lord Chancellor itself was sold:—'Gualterus de Gray dat Domino Regi 5000 marc. pro habendâ Cancellariâ Domini Regis totâ vitâ suâ, et pro habendâ inde Chartâ Domini Regis.' Lord Coke has censured this transaction, but Walter de Gray enjoyed the office, and the open announcement of the price he paid for it shows that there was

The defence was of no avail. When the question of guilty or not guilty was put to the peers, each of the noble lords present answered "Guilty, upon my honour." Sentenced to pay a fine of 30,000*l.*, and undergo imprisonment until the mulct was paid, the unfortunate statesman bitterly repented the imprudence which had exposed him to the vengeance of political adversaries and to the enmity of the vulgar. Whilst the passions roused by the prosecution were at their height, the fallen Chancellor was treated with much harshness by Parliament, and with actual brutality by the mob. Ever ready to vilify lawyers, the rabble seized on so favourable an occasion for giving expression to one of their strongest prejudices. Amongst the crowds who followed the Earl to the Tower with curses, voices were heard to exclaim that "Staffordshire had produced the three greatest scoundrels of England—Jack Sheppard, Jonathan Wilde, and Tom Parker." Jonathan Wilde was executed in 1725—the year of Lord Macclesfield's impeachment; and Jack Sheppard died on the gallows at Tyburn, November 16, 1724.

Throughout the inquiry, and after the adverse verdict, George I. persisted in showing favour to the disgraced Chancellor; and when the violent emotions of the crisis had passed away it was generally admitted by enlightened critics of public events that Lord Macclesfield had been unfairly treated. The

no horror excited by the sale of offices in the times when the common law took its origin. The very dictum to be found elsewhere against the sale of the Chancellorship proceeds on the ground that, being partly of an ecclesiastical nature, the sale of it might savour of simony; and being treated as an exception, it proves the rule. But the statute 6 Ed. VI. c. 16, to inflict a penalty upon the sale of certain offices concerning the administration of justice—so much relied on by the managers—is decisive against them with regard to this argument on the common law; for it provides that 'this act shall not extend to any contract made before the 1st of March then next;' and further, that 'this act shall not extend or be prejudicial to any of the Chief Justices of the king's courts, commonly called the King's Bench or Common Pleas, or to any Justices of Assize, but that they, and every of them, may do in every behalf, touching and concerning any office or offices to be given or granted by them, as they or any of them might have done before the making of this act.' By virtue of this proviso, the offices of Master in the King's Bench, of Prothonotary in the Common Pleas, or Clerk of Assize, are at this day openly and avowedly sold by the ermined sages who now sit upon the woolsack in your lordships' house to advise you whether the sale of offices be a misdemeanour by the common law of England."

scape-goat of popular wrath, he suffered less for his own faults, than for the evil results of a bad system; and at the present time—when the silence of more than a hundred and thirty years rests upon his tomb—Englishmen, with one voice, acknowledge the valuable qualities that raised him to eminence, and regret the proceedings which consigned him in his old age to humiliation and gloom.

CHAPTER XXXVI.

A ROD PICKLED BY WILLIAM COLE.

"APRONENESS to take bribes may be generated from the habit of taking fees," said Lord Keeper Williams in his Inaugural Address, making an ungenerous allusion to Francis Bacon, whilst he uttered a statement which was no calumny upon King James's Bench and Bar, though it is signally inapplicable to lawyers of the present day.

Of Williams, tradition preserves a story that illustrates the prevalence of judicial corruption in the seventeenth century, and the jealousy with which that Right Reverend Lord Keeper watched for attempts to tamper with his honesty. Whilst he was taking exercise in the Great Park of Nonsuch House, his attention was caught by a church recently erected at the cost of a rich Chancery suitor. Having expressed satisfaction with the church, Williams inquired of George Minors, "Has he not a suit depending in Chancery?" and on receiving an answer in the affirmative, observed, "he shall not fare the worse for building of churches." These words being reported to the pious suitor, he not illogically argued that the Keeper was a judge likely to be influenced in making his decisions by matters distinct from the legal merits of the case put before him. Acting on this impression, the good man forthwith sent messengers to Nonsuch House, bearing gifts of fruit and poultry to the holder of the seals. "Nay, carry them back," cried the judge, looking with a grim smile from the presents to George Minors; "Nay, carry them back, George, and tell your friend that he shall not fare the better for sending of presents."*

* In the "Life of Lord Keeper Guildford," Roger North tells the following story, which gives the reader a good specimen of the racy anecdotes current in Charles II.'s reign, concerning the rapacious dishonesty of the bar:—"Mr. Serjeant Maynard

Rich in satire directed against law and its professors, the literature of the Commonwealth affords conclusive testimony of the low esteem in which lawyers were held in the seventeenth century by the populace, and shows how universal was the belief that wearers of ermine and gentlemen of the long robe would practise any sort of fraud or extortion for the sake of personal advantage. In the pamphlets and broadsides, in the squibs and ballads of the period, may be found a wealth of quaint narrative and broad invective, setting forth the rascality of judges and attorneys, barristers and scriveners. Any literary effort to throw contempt upon the law was sure of success. The light jesters, who made merry with the phraseology and costumes of Westminster Hall, were only a few degrees less welcome than the stronger and more indignant scribes who cried aloud against the sins and sinners of the courts. When simple folk had expended their rage in denunciations of venal eloquence and unjust judgments, they amused themselves with laughing at the antiquated verbiage of the rascals who sought to conceal their bad morality under worse Latin. "A New Modell, or the Conversion of the Infidell Terms of the Law: For the Better promoting of misunderstanding according to Common Sense," is a publication consisting of a cover or fly-

had a mind to punish a man who had voted against his interest in a borough in the West, and brought an action against him for scandalous words, spoke at the time when a member to serve in the House of Commons for that borough was to be chosen. And, after his great skill, he first laid his action in the county of Middlesex; and that was by virtue of his privilege, which supposes a serjeant is attendant on the Court of Common Pleas, and not to be drawn from the county where the court sat. And then, in the next place, he charged the words in Latin, that, if he proved the effect, it would be sufficient; whereas, being in English, they must prove the very words to a tittle; and those was a long story that used to be told of Mr. Noy and all the cock lawyers of the West. And this was tried before his lordship at the *Nisi Prius* for the Common Pleas of Middlesex. The witness, telling the story as he swore the defendant told it, said that a client came to the serjeant and gave him a basket of pippins, and every pippin had a piece of gold in it. 'Those were golden pippins,' quoth the judge. The serjeant began to puff, not bearing the jest; so the witness went on. 'And then,' said he, 'the other side came and gave him a roasting pig (as it is called in the West), and in the belly of that there were fifty broad pieces.' 'That's good sauce to a pig,' quoth the judge again. This put the serjeant out of all patience; and speaking to those about him—'This,' said he, 'is on purpose to make me ridiculous.' This story being sworn, the judge directed the jury to find for the serjeant; but in the court the judgment was arrested, *because the words were but a land story, and went as mere merriment over ale, without intent to slander.*"

leaf and two leaves, that appeared about a year before the Restoration. The wit is not brilliant; its humour is not free from uncleanness; but its comic renderings* of a hundred law terms illustrate the humour of the times.

More serious in aim, but not less comical in result is "A Rod for the Lawyers: Who are hereby declared to be the grand Robbers and Deceivers of the Nation: Greedily devouring yearly many Millions of the People's Money. To which is added a Word to the Parliament: And a Word to the Army. By William Cole, a Lover of His Country. Isa. x. 1, 2—'Woe unto them that decree unrighteous decrees, and that write grievousness that they have prescribed. To turn aside the needy from judgment, and to take away the right from the poor of my people, that widows may be their prey, and that they may not rob the fatherless.' Isa. iii. 14—'The spoil of the poor is in your houses.' London, Printed in the year 1659." The preface of this mad treatise ends thus—"I do not altogether despair but that before I dye I may see the Inns of Courts, or Dens of Thieves, converted into Hospitals, which were a rare piece of justice; that so as they formerly have immured those that robbed the poor of houses, so they may at last preserve the poor themselves."†

* Of these renderings the subjoined may be taken as favourable specimens:—"Breve originale, original sinne; capias, a catch to a sad tune; alias capias, another to the same (sad tune); habeas corpus, a trooper; capias ad satisfaciend., a hangman; latitat., bo-peep; nisi prius, first come first served; demurrer, hum and haw; scandal. magnat., down with the Lords."

† Chiefly against the "quirckes and quibbles" and "the impudent sophistry and prattle" of lawyers does the infuriated Cole direct his irony and invective. For the most part he beats the air; but occasionally he hits hard an evil removed or mitigated by recent legislation. He strikes in the right direction when he inveighs against the custom of trying causes at places remote from the scenes where the facts and matters under dispute may be most readily examined, and at times long subsequent to the events which produced the litigation. Light, albeit an uncertain light, is thrown upon the social position of town and country lawyers by the following wild passage from the "Rod:"—"I have often, both in city and country, made as near an inquiry as possibly I could in a general way, what number of lawyers there might be in England and Wales, in all offices, as judges, masters of chancery, serjeants-at-law, counsellors, attorneys, solicitors, with the rest of the rabble, but I cannot find by calculation but that there are, great and small, masters and servants, by the best accompt I can estimate, above thirty thousand. Now, consider at what high rates the very meanest of these liveth; see but a very country hackney, and you will find he goeth clothed in a Gentile garb, and all his family; he keeps company

Another book touching on the same subject and belonging to the same period, is, "Sagrir, or Doomsday drawing nigh; With Thunder and Lightning to Lawyers. In an Alarum for New Laws, and the People's Liberties from the Norman and Babylonian Yokes. Making Discoverie of the present ungodly Laws and Lawyers of the Fourth Monarchy and of the Approach of the Fifth; with those godly Laws, Officers, and Ordinances that belong to the Legislative Power of the Lord Jesus. Showing the Glorious Work Incumbent to Civil Discipline (once more) set before the Parliament, Lord Generall, Army, and People of England in the distinct capacities, upon the Account of Christ and his Monarchy. Humbly presented to them by John Rogers, an unfained Servant of Christ and this Commonwealth in their best Rights, Laws, and Liberties, lost many years. London, Printed by R. S. to be sold by Giles Calvert, at the Black Spread Eagle, at the West End of Paul's, 1653."

Violent, even for a man holding Fifth-Monarchy views, John Rogers prefers a lengthy indictment against lawyers, for whose delinquencies and heinous offences he admits neither apology nor palliation. In his opinion all judges deserve the death of Arnold and Hall, whose last moments were provided for by the hangman. The wearers of the long robe are perjurers, thieves, enemies of mankind; their institutions are hateful, and their usages abominable. In olden time they were less powerful and rapacious. But prosperity soon exaggerated all their evil qualities. Sketching the rise of the profession, the author ob-

with the gentry, and yet usually quickly getteth an estate over and above his expenses, which cannot be possibly less than one hundred and fifty pounds *per annum*. Now, if such country lawyers live at that rate, being the judges, masters of the rolls, counsellors, attorneys, registers, *cum multis aliis*, in the Common Law, Chancery, and Admiralty, and you will find that this mercenary generation, one with another, do not receive less yearly from the people, in their law practice—I say, the number of thirty thousand—than two hundred and fifty pounds *per annum*, each; what if some have but fifty, then know some have thousands: surely, I believe that Prideaux and Maynard will not, nor cannot, deny it. Now, at this rate, to say 250 pounds per annum to each lawyer, these thirty thousand receive seven millions and a half of money yearly, which is seventy-five hundred thousand pounds; and what a charge are people at to attend their tedious and vexatious trials. Consider what doth it cost to ride and go from all countries and towns to London, to attend the Terms; it cannot be less than one million of money yearly, and to what purpose?"

serves—"These men would get sometimes Parents, Friends, Brothers, Neighbours, sometimes *others* to be (in their absence) Agents, Factors, or Solicitors for them at Westminster, and as yet they had no stately houses or mansions to live in, as they have now (called Inns of Court), but they lodged like countrymen or strangers in ordinary Inns. But afterwards, when the interests of lawyers began to look big (as in Edward III.'s days), they got mansions or colleges, which they called Inns, and by the king's favour had an addition of honour, whence they were called Inns of Court."*

* Even vacations stink in the nostrils of Mr. Rogers; for he maintains that they are not so much periods when lawyers cease from their odious practices, as times of repose and recreation wherein they gain fresh vigour and daring for the commission of further outrages, and allow their unhappy victims to acquire just enough wealth to render them worth the trouble of despoiling. "As tyrants, they give a breathing time to torment men afresh; and such tyrants are the worst of all, as was Nero, Commodus, Tiberius, &c. See how men deal with their bottles, letting them stand under the tap till they be filled, and then they *hang* them up; and so have these done with the free commoners of England, and with the faithfullest subjects, as spunges are let alone awhile to lie a-soaking till they have sucked in some good store of water, and then they are squeezed out again, so do these lawyers let men alone all their vacation time till they can gather up more money for them, and then comes the Term to squeeze them again." In a passage where he inveighs against the rapacity of counsellors, he gives foundation for the opinion that "refreshers" originated in the shameless greed of the bar. Says the author—"Doe not the Norman lawyers the like? Let the lawyers be greatly retained, or the law shall be greatly detained. And what will retain them?—as much as they can make out of their client's hand at once? No. For one that is eminent and belongs to the counsell of state told me he had from a gentleman of four thousand pound per annum that, upon a motion to be made to the Lords Commissioners, he retained his counsell for one word to them, and put five peeces into his hands, but the Lords sat not that day. The next morning the gentleman made a fresh sally, and gave a fresh salute to his great counsell with gracious angells, and filled his pawes with two golden peeces (for he was as hungry as ever since yesterday), but the Lords sat not that day neither. But the next day the Lords sat for certain, so he comes to this counsellor (or concealer), Mr. M. 'Sir,' saies he, 'be mindful of my businesse, I pray; it is but a word, to make but one motion to them this morning.' 'Sir,' saies the lawyer, 'I have nothing to do with it—no!' 'Sir,' saies the gentleman, 'I hope you will, sir, speake but one word.' 'Sir,' saies the lawyer, 'what do you tell me of your motion? I'll not meddle with it, for I am not retained to it.' Now, it seems the *seven peeces* had not power enough to hold him three mornings but to make one motion. Mr. M. was hungry again as ever; he must have more or else be dumb. So that the gentleman was glad to run and borrow *two peeces* more (having not so much about him) to retaine or keepe his counsell close to it, to speak one word to the Lords Commissioners for him. Is not this an insufferable cheating of the free-born Englishman?" It is probable that the Mr. M. of this story was Maynard.

The familiar anecdotes which are told as illustrations of Chief Justice Hale's integrity are very ridiculous, but they serve to show that the judges of his time were believed to be very accessible to corrupt influences. During his tenure of the Chiefship of the Exchequer, Hale rode the Western Circuit, and met with the loyal reception usually accorded to judges on circuit in his day. Amongst other attentions offered to the judges on this occasion was a present of venison from a wealthy gentleman who was concerned in a cause that was in due course called for hearing. No sooner was the call made than Chief Baron Hale resolved to place his reputation for judicial honesty above suspicion, and the following scene occurred:—

"*Lord Chief Baron.*—'Is this plaintiff the gentleman of the same name who hath sent me the venison?' *Judge's servant.*—'Yes, please you, my lord.' *Lord Chief Baron.*—'Stop a bit, then. Do not yet swear the jury. I cannot allow the trial to go on till I have paid him for his buck!' *Plaintiff.*—'I would have your lordship to know that neither myself nor my forefathers have ever sold venison, and I have done nothing to your lordship which we have not done to every judge that has come this circuit for centuries bygone.' *Magistrate of the County.*—'My lord, I can confirm what the gentleman says for truth, for twenty years back.' *Other Magistrates.*—'And we, my lord, know the same.' *Lord Chief Baron.*—'That is nothing to me. The Holy Scriptures say, 'A gift perverteth the ways of judgment.' I will not suffer the trial to go on till the venison is paid for. Let my butler count down the full value thereof.' *Plaintiff.*—'I will not disgrace myself and my ancestors by becoming a venison butcher. From the needless dread of *selling* justice, your lordship *delays* it. I withdraw my record.'"

As far as good taste and dignity were concerned, the gentleman of the West Country was the victor in this absurd contest: on the other hand, Hale had the venison for nothing, and was relieved of the trouble of hearing the cause.

In the same manner Hale insisted on paying for six loaves of sugar which the Dean and Chapter of Salisbury sent to his lodgings, in accordance with ancient usage. Similar cases of the judge's readiness to construe courtesies as bribes may be found in notices of trials and books of *ana*.

A propos of these stories of Hale's squeamishness, Lord Campbell tells the following good anecdote of Baron Graham: "The late Baron Graham related to me the following anecdote to show that he had more firmness than Judge Hale:—'There was a baronet of ancient family with whom the judges going the Western Circuit had always been accustomed to dine. When I went that circuit I heard that a cause, in which he was plaintiff, was coming on for trial: but the usual invitation was received, and lest the people might suppose that judges could be influenced by a dinner, I accepted it. The defendant, a neighbouring squire, being dreadfully alarmed by this intelligence, said to himself, 'Well, if Sir John entertains the judge hospitably, I do not see why I should not do the same by the jury.' So he invited to dinner the whole of the special jury summoned to try the cause. Thereupon the baronet's courage failed him, and he withdrew the record, so that the cause was not tried; and, although I had my dinner, I escaped all suspicion of partiality."

This story puts the present writer in mind of another story which he has heard told in various ways, the wit of it being attributed by different narrators to two judges who have left the Bench for another world, and a Master of Chancery who is still alive. On the present occasion the Master of Chancery shall figure as the humorist of the anecdote.

Less than twenty years since, in one of England's southern counties, two neighbouring landed proprietors differed concerning their respective rights over some unenclosed land, and also about certain rights of fishing in an adjacent stream. The one proprietor was the richest baronet, the other the poorest squire, of the county; and they agreed to settle their dispute by arbitration. Our Master in Chancery, slightly known to both gentlemen, was invited to act as arbitrator after inspecting the localities in dispute. The invitation was accepted and the master visited the scene of disagreement, on the understanding that he should give up two days to the matter. It was arranged that on the first day he should walk over the squire's estate, and hear the squire's uncontradicted version of the case, dining at the close of the day with both contendants at the squire's table; and that on the second day, having

walked over the baronet's estate, and heard without interruption the other side of the story, he should give his award, sitting over wine after dinner at the rich man's table. At the close of the first day the squire entertained his wealthy neighbour and the arbitrator at dinner. In accordance with the host's means, the dinner was modest but sufficient. It consisted of three fried soles, a roast leg of mutton, and vegetables; three pancakes, three pieces of cheese, three small loaves of bread, ale, and a bottle of sherry. On the removal of the viands, three magnificent apples, together with a magnum of port, were placed on the table by way of dessert. At the close of the second day the trio dined at the baronet's table, when it appeared that struck by the simplicity of the previous day's dinner, and rightly attributing the absence of luxuries to the narrowness of the host's purse, the wealthy disputant had resolved not to attempt to influence the umpire by giving him a superior repast. Sitting at another table the trio dined on exactly the same fare,—three fried soles, a roast leg of mutton, and vegetables; three pancakes, three pieces of cheese, three small loaves of bread, ale, and a bottle of sherry; and for dessert three magnificent apples, together with a magnum of port. The dinner being over, the apples devoured, and the last glass of port drunk, the arbitrator (his eyes twinkling brightly as he spoke) introduced his award with the following exordium:—"Gentlemen, I have with all proper attention considered your *sole* reasons: I have taken due notice of your *joint* reasons: and I have come to the conclusion that your *des(s)erts* are about equal."

CHAPTER XXXVII.

CHIEF JUSTICE POPHAM.

ONE of the strangest cases of corruption amongst English judges still remains to be told on the slender authority which is the sole foundation of the weighty accusation. In comparatively recent times there have not been many eminent Englishmen to whom "tradition's simple tongue" has been more hostile than Queen Elizabeth's Lord Chief Justice, Popham. The younger son of a gentle family, John Popham passed from Oxford to the Middle Temple, raised himself to the honours of the ermine, secured the admiration of illustrious contemporaries, in his later years gained abundant praise for wholesome severity towards footpads, and at his death left behind him a name—which, tradition informs us, belonged to a man who in his reckless youth, and even after his call to the bar, was a cut-purse and highwayman. In mitigation of his conduct it is urged by those who credit the charge, that young gentlemen of his date were so much addicted to the lawless excitement of the road, that when he was still a beardless stripling, an act (1 Ed. VI. c. 12, s. 14) was passed whereby any peer of the realm or lord of parliament, on a first conviction for robbery, was entitled to benefit of clergy, though he could not read. But bearing in mind the liberties which rumour is wont to take with the names of eminent persons, the readiness the multitude always display to attribute light morals to grave men, and the infrequency of the cases where a dissolute youth is the prelude to a manhood of strenuous industry and an old age of honour—the cautious reader will require conclusive testimony before he accepts Popham's connexion with "the road" as one of the unassailable facts of history.

The authority for this grave charge against a famous judge

is John Aubrey the antiquary, who was born in 1627, just twenty years after Popham's death. "For severall yeares," this collector says of the Chief Justice, "he addicted himself but little to the studie of the lawes, but profligate company, and was wont to take a purse with them. His wife considered her and his condition, and at last prevailed with him to lead another life and to stick to the studie of the lawe, which, upon her importunity, he did, being then about thirtie years old." As Popham was born in 1531, he withdrew, according to this account, from the company of gentle highwaymen about the year 1561—more than sixty years before Aubrey's birth, and more than a hundred years before the collector committed the scandalous story to writing. The worth of such testimony is not great. Good stories are often fixed upon eminent men who had no part in the transactions thereby attributed to them. If this writer were to put into a private note-book a pleasant but unauthorized anecdote imputing *kleptomania* to Chief Justice Willes (who died in 1761), and fifty years hence the note-book should be discovered in a dirty corner of a forgotten closet and published to the world—would readers in the twentieth century be justified in holding that Sir John Willes was an eccentric thief?

But Aubrey tells a still stranger story concerning Popham, when he sets forth the means by which the judge made himself lord of Littlecote Hall in Wiltshire. The case must be given in the narrator's own words. "Sir Richard Dayrell of Littlecot in com. Wilts. having got his lady's waiting-woman with child, when her travell came sent a servant with a horse for a midwife, whom he was to bring hoodwinked. She was brought, and layd the woman; but as soon as the child was borne, she saw the knight take the child and murther it, and burn it in the fire in the chamber. She having done her business was extraordinarily rewarded for her paines, and went blindfold away. This horrid action did much run in her mind, and she had a desire to discover it, but knew not where 'twas. She considered with herself the time she was riding, and how many miles she might have rode at that rate in that time, and that it must be some great person's house, for the roome was twelve foot high: and she should know the chamber if she sawe it.

She went to a justice of peace, and search was made. The very chamber found. The knight was brought to his tryall; and, to be short, this judge had this noble house, park, and manor, and (I think) more, for a bribe to save his life. Sir John Popham gave sentence according to lawe, but being a great person and a favourite, he procured a *nolle prosequi.*"

This ghastly tale of crime following upon crime has been reproduced by later writers with various exaggerations and modifications. Dramas and novels have been founded upon it; and a volume might be made of the ballads and songs to which it has given birth. In some versions the corrupt judge does not even go through the form of passing sentence, but secures an acquittal from the jury; according to one account, the mother, instead of the infant, was put to death; according to another, the erring woman was the murderer's daughter, instead of his wife's waiting-woman; another writer, assuming credit as a conscientious narrator of facts, places the crime in the eighteenth instead of the sixteenth century, and transforms the venal judge into a clever barrister.

In a highly-seasoned statement of the repulsive tradition communicated by Lord Webb Seymour to Walter Scott, the murder is described with hideous minuteness:—"It was on a dark night in the month of November that an old midwife sat musing by her cottage fireside, when on a sudden she was startled by a loud knocking at the door. On opening it she found a horseman, who told her that her assistance was required immediately by a person of rank, and that she should be handsomely rewarded, but that there were reasons for keeping the affair a strict secret, and therefore she must submit to be blindfolded, and to be conducted in that condition to the bedchamber of the lady. With some hesitation the midwife consented; the horseman bound her eyes, and placed her on a pillion behind him. After proceeding in silence for many miles, through rough and dirty lanes, they stopped, and the midwife was led into a house, which, from the length of her walk through the apartments, as well as the sounds about her, she discovered to be the seat of wealth and power. When the bandage was removed from her eyes, she found herself in a bedchamber, in which were the lady on whose account she had

been sent for, and a man of haughty and ferocious aspect. The lady was delivered of a fine boy. Immediately the man commanded the midwife to give him the child, and, catching it from her, he hurried across the room and threw it on the back of the fire that was blazing in the chimney. The child, however, was strong, and by its struggles rolled itself off upon the hearth, when the ruffian again seized it with fury, and, in spite of the intercession of the midwife, and the more piteous entreaties of the mother, thrust it under the grate, and raking the live coals upon it, soon put an end to its life. The midwife, after spending some time in affording all the relief in her power to the wretched mother, was told that she must be gone. Her former conductor appeared, who again bound her eyes, and conveyed her behind him to her own home; he then paid her handsomely and departed."

Changing the midwife into "a Friar of orders grey," and murdering the mother instead of the baby, Sir Walter Scott wrote the well-known ballad—

"And whither would you lead me, then?"
Quoth the Friar of orders grey;
And the ruffians twain replied again,
"By a dying woman to pray."

"I see," he said, "a lovely sight,
A sight bodes little harm,
A lady as a lily bright,
With an infant in her arm."

"Then do thine office, Friar grey,
And see thou shrive her free!
Else shall the sprite, that parts to-night,
Fling all its guilt on thee.

"Let mass be said, and trentals read,
When thou'rt to convent gone,
And bid the bell of St. Benedict
Toll out its deepest tone."

The shrift is done, the Friar gone,
Blindfolded as he came—
Next morning, all in Littlecot Hall
Were weeping for their dame.

Wild Darrell is an altered man,
The village crones can tell;
He looks pale as clay, and strives to pray,
If he hears the convent bell.

If prince or peer cross Darrell's way,
He'll beard them in his pride,—
If he meets a Friar of orders grey,
He droops and turns aside.*

* Of the numerous versions of the Littlecote Hall tragedy, upon which the present writer has fallen in books of diverse aims and pretensions, the one that departs most widely from the earliest written account of the revolting tale may be found in "Mr. L. S. Rede's "Anecdotes and Biography," published in 1799. Interesting for its ridiculous want of fidelity to the original story, which it pretends to tell with veracious minuteness, it is not the less worthy of observation because it is garnished with an incident which has done service in several French romances, and is used by Mr. Wilkie Collins in his excellent novel "No Name." Writing in 1799, Mr. Rede remembers to have seen, "not many years since in the House of Peers, a lord who owes his fortune and title to a circumstance which in reason could not have been expected to have procured that kind of elevation." Mr. Rede's story may be condensed with advantage. It runs thus:—At the beginning of the eighteenth century, in a county verging on London, there flourished a wealthy baronet who, together with certain members of his family, was tried for murder. Eight miles from this baronet's mansion lived a midwife who was seized and carried away by a horseman, in the fashion narrated in the earlier accounts of the Littlecote House tragedy. Giving the woman's account of her part in the affair, Mr. Rede tells his readers,—"She said, as soon as she had unlocked the door and in part opened it, a hand forced itself in, and beat the candle to the ground, at the same instant pulling her into the road, which stood detached from the village or any other dwelling. The person bid her tie a handkerchief over her head, and not stay for a hat, as he intimated that a lady of the first quality in that part of the country wanted her help, being in great danger. Then he led her to a stile within about forty yards, where there was a horse saddled, and a pillion on his back; he ordered her to seat herself first, and immediately mounted, and rode off at a fast trot. By the time they had been travelling about three quarters of an hour, she was greatly alarmed, but her conductor assured her no harm should come to her, and that she should be well paid, and added, that she had several miles more to go: he got off his horse five or six times to open the gates, and crossed many corn and ploughed fields, for although it was dark, she could discover that she had left the high road within two miles of her house." At length the woman and her captor rode into the courtyard of a stately mansion; whereupon the man lifted her from the pillion, led her into a dark passage, and took her by a most round-about course upstairs and downstairs—into my lady's chamber. But before she was introduced to that dainty room, she was blindfolded, her mysterious guest saying as he blinded her and then led her in—"You must now let me put this cap and bandage over your eyes, which will allow you to speak and breathe, but not to see; keep your presence of mind, it will be wanted,—and I again repeat no harm shall come to you." In darkness the woman discharges the functions of her office; in darkness she delivers the new-born male infant into the

hands of an attendant; in the darkness she satisfies herself that her patient is "a *very* young lady:" and still blindfolded she leaves the mansion. But she does not depart altogether without the means of identifying the house to which she has been taken. "She, undiscovered or unsuspected, took a pair of scissors, which her profession rendered necessary for her to carry about her, and with them cut off a small bit from the corner of the curtain."

Mr. Rede shall tell the rest of the story:—"The midwife averred that before she left the house she smelt a very uncommon and burning smell, and which followed them all the way through the avenues to the courtyard, where she again mounted horse. She had very unwarily remarked, the moment her guide had opened the first gate, that she saw a light and smelt a very strong stench of something burning, which he said was the work of the gardeners, firing the weeds and burning the moles among them, as they always did at that time of year; and she said that at the time of parting, which was within fifty yards of her own house, he made her swear to secrecy, at the same time putting a purse into her hand, which she afterwards found contained 25 guineas, and till that moment the bandage had never been removed from her eyes. The morning was now breaking.

"With two such pieces of evidence as these, together with the absence of two of the family servants, without any cause, it can scarce be imagined that anything less than the conviction of some person or other for the murder of a new-born child must have happened, especially as a very beautiful young lady of sixteen had withdrawn herself from her acquaintance, under the plea of going to a convent at Avignon to learn French, when she had more than once, after her declared departure, been seen by a fruit-woman looking out of a small window next her usual bedchamber. The ingenuity, however, of this *great law-character* saved his client's life by his questions and cross-examination, for he did away the effect of the piece of curtain, by saying that a Roman Catholic servant had left them in malice, because they had forbidden her to go to mass, and that the evidence had sworn that the guide forded a river twice in going to the house where her assistance was wanted, when it was known that there was but one straight river between the two houses. Supposing the guide, in order to deceive the midwife, should have made a wheel to pass it *again*, she must have forded it a third time.

"The ingenuity of this remark so completely puzzled the jury, that they acquitted the prisoner without going out of court; and, for this able defence, it is said the great law-character received twenty thousand pounds, and ten thousand other marks of favour, from one of the first families in the kingdom.

"It is necessary to remark, that the person for whose service the advocate employed his talents so successfully has dwindled into nothingness, as is the case with the descendants of them, but the counsel himself is a peer with at least ten thousand pounds per annum."

CHAPTER XXXVIII.

JUDICIAL SALARIES.

FOR the last three hundred years the law has been a lucrative profession, our great judges during that period having in many instances left behind them large fortunes, earned at the bar or acquired from official emoluments. The rental of Egerton's landed estates was 8000*l.* per annum—a royal income in the days of Elizabeth and James. Maynard left great wealth to his granddaughters, Lady Hobart and Mary Countess of Stamford. Lord Mansfield's favourite investment was mortgage; and towards the close of his life the income which he derived for moneys lent on sound mortgages was 30,000*l.* per annum. When Lord Kenyon had lost his eldest son, he observed to Mr. Justice Allan Park—"How delighted George would be to take his poor brother from the earth and restore him to life, although he receives 250,000*l.* by his decease." Lord Eldon is said to have left to his descendants 500,000*l.*; and his brother, Lord Stowell, to whom we are indebted for the phrase "the elegant simplicity of the Three per Cents.," also acquired property that at the time of his death yielded 12,000*l.* per annum.

Lord Stowell's personalty was sworn under 230,000*l.*, and he had invested considerable sums in land. It is noteworthy that this rich lawyer did not learn to be contented with the moderate interest of the Three per Cents. until he had sustained losses from bad speculations. Notable also is it that this rich lawyer—whose notorious satisfaction with three per cent. interest has gained for him a reputation of noble indifference to gain—was inordinately fond of money. In his character sordid love of wealth stood out in striking contrast to his courtly manners, fascinating address, liberal attainments, and scholarly tastes. Stingy to menials, penurious to the poor, and uni-

formly avaricious, he could spend money with suitable liberality on eating and drinking—but on nothing else. His only son he treated as he treated all persons who asked him for money. The young man was bent on a suitable marriage; but unable to wring an adequate allowance from his wealthy parent, he was compelled to relinquish the hope of domestic happiness, and in his despair of earthly joy sought consolation in the pleasures of intemperance. Broken by disappointment and vice the son died, whilst his father was lingering in a state of fatuity; and at his death Lord Stowell's title became extinct —the man who under better treatment might have succeeded to the great lawyer's honours and wealth, having preceded his father to the unseen world. Of Lord Stowell, Mr. Townsend tells the following characteristic story:—"As a bencher of the Middle Temple, Lord Stowell was entitled to a set of chambers, which, not occupying himself, he of course let. The rent of them probably amounted to not more than 70*l.* a year, and as his lordship was usually indebted to the Inn for commons, being in the habit of dining there, it might be supposed he would have allowed the one account to run against the other; but no! regularly on the day after the rent became due did the aged peer present himself at the Treasury of the Middle Temple. 'Mr. Phillips,' he used to say, addressing the under-treasurer, 'my rent became due yesterday, did it not?' On Mr. Phillips answering in the affirmative, he would proceed—'You have heard nothing from —— (mentioning his tenant's name), have you?' 'No, my lord, but —— is an extremely respectable gentleman, and it only became due yesterday,' was the general reply. The punctual lawyer was not to be so easily pacified. 'Yes, but you'll observe I have not got the money; the money is due, and I have not got it.'"

These great fortunes were raised from fees taken in practice at the bar, from judicial salaries or pensions, and from other official gains—such as court-dues, perquisites, sinecures, and allowances. Since the Revolution of 1688 these last-named irregular or fluctuating sources of judicial income have steadily diminished, and in the present day have come to an end. Eldon's receipts during his tenure of the seals cannot be definitely stated, but more is known about them and his earnings at the

bar than he intended the world to discover, when he declared in Parliament "that in no one year, since he had been made Lord Chancellor, had he received the same amount of profit which he enjoyed while at the bar." Whilst he was Attorney General he earned something more than 10,000*l.* a year; and in returns which he himself made to the House of Commons, he admits that in 1810 he received, as Lord Chancellor, a gross income of 22,730*l.*, from which sum, after deduction of all expenses, there remained a net income of 17,000*l.* per annum. He was enabled also to enrich the members of his family with presentations to offices, and reversions of places. It is needless to remark that the country would have gained, if instead of paying Eldon some 30,000*l.* per annum for his services on the woolsack, it had paid him twice that sum to do nothing. Notwithstanding his great knowledge of law and the excellence of many of his judgments, he caused the public immeasurable loss, and brought countless families to ruin by his wicked habit of procrastination. Torturing his hearers in the house, in the Court of Chancery, and in society, with continual and earnest appeals to his conscience—appeals that were not altogether hypocritical—partly through selfishness, partly through constitutional infirmity, and partly through insolent contempt for those sincere and reasonable expressions of public dissatisfaction which it pleased him to term "popular clamour," he wrought in his generation a fearful amount of wrongful suffering. Indeed, notwithstanding his intellect and high repute, it may be questioned if the marble chair was ever filled by a man who did the nation more harm. England on the roll of her Chancellors can point to utterly bad men, and utterly contemptible men; John Scott was neither a bad man nor a contemptible man—but looking at the work which he achieved, and the work which he neglected to do, the critic is entitled to place him amongst the hurtful* public men of modern times.

* The above words were penned deliberately, and after a careful consideration of much evidence and many painful facts. They are words with which many good and clever men will not concur, but parliamentary records justify the writer's estimate of a very eminent character. Mr. Townsend commences his thoughtful memoir of Eldon thus:—"'Great, good, and just,' the commencing words of Montrose's beautiful eulogy on his sovereign, are the very epithets due of special right to

Until comparatively recent times judges were dangerously dependent on the king's favour; for they not only held their offices during the pleasure of the crown, but on dismissal they could not claim a retiring pension. In the seventeenth century an aged judge, worn out by toil and length of days, was deemed a notable instance of royal generosity, if he obtained a small allowance on relinquishing his place in court. Chief Justice Hale, on his retirement, was signally favoured when Charles II. graciously promised to continue his salary till the end of his life—which was manifestly near its close. Under the Stuarts, the judges who lost their places for courageous fidelity to law, were wont to resume practice at the bar. To provide against the consequences of ejection from office, great lawyers, before they consented to exchange the gains of advocacy for the uncertain advantages of the woolsack, used to stipulate for special allowances—over and above the ancient emoluments of place. Lord Nottingham had an allowance of 4000*l.* per annum; and Lord Guildford, after a struggle for better terms, was constrained, at the cost of mental serenity, to accept the seals with a special salary of half that sum.*

From 1688 down to the present time the chronicler of changes in the legal profession has to notice a succession of alterations in the system and scale of judicial payments—all of the innovations having a tendency to raise the dignity of the bench. Under William and Mary, an allowance (still continued) was made to holders of the seal on their appointment, for the cost of outfit and equipages. The amount of this special aid was 2000*l.*, but fees reduced it to 1843*l.* 13*s.* Mr. Foss observes—"The earliest existing record of this allowance is dated June 4, 1700, when Sir Nathan Wright was made Lord

the subject of this memoir;" and taken in a very limited sense, Mr. Townsend's words are not inappropriate. Lord Eldon was great,—as a *lawyer;* he was good,—as a *lawyer;* in a certain way he was just,—on the *bench.* But the writer would be guilty of mischievous enthusiasm who, in his reasonable admiration for the lawyer, should extol John Scott as an example of intellectual grandeur, or moral goodness, or justice of the finest and noblest sort.

* During the Commonwealth the people, unwilling to pay their judges liberally, decided that a thousand a year was a sufficient income for a Lord Commissioner of the Great Seal.

Keeper, which states it to be the same sum as had been allowed to his predecessor."

At the same period the salary of a puisne judge was but 1000*l.* a year—a sum that would have been altogether insufficient for his income. A considerable part of a puisne's remuneration consisted of fees, perquisites, and presents. Amongst the customary presents to judges at this time may be mentioned the *white gloves* which men convicted of manslaughter presented to the judges when they pleaded the king's pardon; the *sugar loaves* which the Warden of the Fleet annually sent to the judges of the Common Pleas; and the almanacs yearly distributed amongst the occupants of the bench by the Stationers' Company. From one of these almanacs, in which Judge Rokeby kept his accounts, it appears that in the year 1694 the casual profits of his place amounted to 694*l.* 4*s.* 6*d.* Here is the list of his official incomes (net) for ten years:—in 1689, 1378*l.* 10*s.*; in 1690, 1475*l.* 10*s.* 10*d.*; in 1691, 2063*l.* 18*s.* 4*d.*; in 1692, 1570*l.* 1*s.* 4*d.*; in 1693, 1569*l.* 13*s.* 1*d.*; in 1694, 1629*l.* 4*s.* 6*d.*; in 1695, 1443*l.* 7*s.* 6*d.*; in 1696, 1478*l.* 2*s.* 6*d.*; in 1697, 1498*l.* 11*s.* 11*d.*; in 1698, 1631*l.* 10*s.* 11*d.* The fluctuation of the amounts in this list is worthy of observation; as it points to one bad consequence of the system of paying judges by fees, gratuities, and uncertain perquisites. A needy judge, whose income in lucky years was over two thousand pounds, must have been sadly pinched in years when he did not receive fifteen hundred.

Under the heading, "The charges of my coming into my judge's place, and the taxes upon it the 1st year and halfe," Judge Rokeby gives the following particulars:—

"1689, May 11. To Mr Milton, Deputy Clerk of the Crown, as per note, for the patent and swearing privately, 21*l.* 6*s.* 4*d.* May 30. To Mr English, charges of the patent at the Secretary of State's Office, as per note, said to be a new fee, 6*l.* 10*s.* Inrolling the patent in Exchequer and Treasury, 2*l.* 3*s.* 4*d.* Ju. 27. Wine given as a judge, as per vintner's note, 23*l.* 19*s.* Ju. 24, Cakes given as a judge, as per vintner's note, 5*l.* 14*s.* 6*d.* Second-hand judge's robes, with some new lining, 31*l.* Charges for my part of the patent for our salarys, to Aaron Smith, 7*l.* 15*s.*, and the dormant warrant, 3*l.*—10*l.* 15s.—101*l.* 8*s.* 2*d.*

"Taxes, 420*l.*

"The charges of my being made a sergeant-at-law, and of removing myselfe and family to London, and a new coach and paire of horses, and of my knighthood (all which were within the first halfe year of my coming from York), upon the best calculation I can make of them, were att least 600*l.*"

Concerning the expenses attendant on his removal from the Common Pleas to the King's Bench in 1695—a removal which had an injurious result upon his income—the judge records: "Nov. 1. To M^r^ Partridge, the Crier of King's Bench, claimed by him as a fee due to the 2 criers, 2*l.* Nov. 12. To M^r^ Ralph Hall, in full of the Clerk of the Crown's bill for my patent, and swearing at the Lord Keeper's, and passing it through the offices, 28*l.* 14*s.* 2*d.* Dec. 6. To M^r^ Carpenter, the Vintner, for wine and bottles, 22*l.* 10*s.* 6*d.* To Gwin, the Confectioner, for cakes, 5*l.* 3*s.* 6*d.* To M^r^ Mand (his clerk), which he paid att the Treasury and att the pell for my patent, allowed there, 1*l.* 15*s.* Tot. 60*l.* 2*s.* 8*d.*" The charges for wine and cakes were consequences of a custom which required a new judge to send biscuits and macaroons, sack and claret, to his brethren of the bench.

In the reign of George I. the salaries of the common law judges were raised—the pensions of the chiefs being doubled, and the *puisnes* receiving fifteen hundred instead of a thousand pounds.

Cowper's incomes during his tenure of the seals have already been put before the reader; but there is some reason to believe that on accepting office he stipulated for a handsome yearly salary, in case he should be called upon to relinquish the place. Evelyn, not a very reliable authority, but still a chronicler worthy of notice even on questions of fact, says—"Oct. 1705. M^r^ Cowper made Lord Keeper. Observing how uncertain greate officers are of continuing long in their places, he would not accept it unless 2000*l.* a yeare were given him in reversion when he was put out, in consideration of his loss of practice. His predecessors, how little time soever they had the seal, usually got 100,000*l.*, and made themselves barons." It is doubtful whether this bargain was actually made; but long after Cowper's time, lawyers about to mount the woolsack in-

sisted on having terms that should compensate them for loss of practice. Lord Macclesfield had a special salary of 4000*l.* per annum during his occupancy of the marble chair, and obtained a grant of 12000*l.* from the king;—a tellership in the Exchequer being also bestowed upon his eldest son. Lord King obtained even better terms—a salary of 6000*l.* per annum from the Post Office, and 1200*l.* from the Hanaper Office; this large income being granted to him in consideration of the injury done to the Chancellor's emoluments by the proceedings against Lord Macclesfield—whereby it was declared illegal for chancellors to sell the subordinate offices in the Court of Chancery. This arrangement—giving the Chancellor an increased salary in *lieu* of the sums which he could no longer raise by sales of offices—is conclusive testimony that in the opinion of the crown Lord Macclesfield had a right to sell the masterships. The terms made by Lord Northington in 1766, on resigning the Seals and becoming President of the Council, illustrate this custom. On quitting the marble chair he obtained an immediate pension of 2000*l.* per annum; and an agreement that the annual payment should be made 4000*l.* per annum, as soon as he retired from the Presidency: he also obtained a reversionary grant for two lives of the lucrative office of Clerk of the Hanaper in Chancery.

Many are the good stories told of the haggling which took place before ministers came to terms with lawyers invited to the woolsack. Philip Yorke and Sir Robert Walpole had a sharp tussle with regard to pecuniary considerations, when the Prime Minister brought the conflict to an end by saying, "I must offer the seals to Fazakerly." Greatly astonished, the lawyer exclaimed, "Fazakerly! impossible! he is certainly a Tory! perhaps a Jacobite!" "True!" replied Sir Robert, smiling as he took out his watch, "but if by one o'clock you do not accept my offer, Fazakerly by two becomes Lord Keeper, and one of the staunchest Whigs in all England." Rather than let the administration of justice suffer in the hands of a renegade, Lord Hardwicke triumphed over the dictates of self-interest, and accepted Walpole's offer. Through his persistency in demanding a peerage, Sir John Willes—less fortunate and less prudent than Philip Yorke—lost the seals, and died of a broken heart.

In October, 1726, Sir Littleton Powys, after more than thirty years of judicial service, was permitted to retire on his full pension of 1500*l.* per annum—the infirmities of old age and acute illness having rendered him unable to discharge the duties of his office. "I might," he wrote to Lord Chancellor King, imploring the continuance of his salary for life, "by the help of the bath and other means try to restore my health, and endeavour to die a judge, but my success in such restoring meets with a most untoward objection, that I am now fourscore years old, wanting but one, and I am therefore thinking it better to resign my place if I may be admitted by the great favour and generosity of his majesty, after so long and faithful service, to go off with honour, by having a pension, in like manner as my brother Powel had, who was a judge in Westminster Hall eight years fewer than I have been, and my brother Blencowe now hath, who was my junior one year."

In Lord Chancellor King's time, amongst the fees and perquisites which he wished to regulate and reform were the supplies of stationery provided by the country for the great law-officers. It may be supposed that the sum thus expended on paper, pens, and wax was an insignificant item in the national expenditure; but such was not the case—for the chiefs of the courts were accustomed to place their personal friends on the free-list for articles of stationery. The Archbishop of Dublin, a dignitary well able to pay for his own writing materials, wrote to Lord King, April 10, 1733: "My Lord,—Ever since I had the honour of being acquainted with Lord Chancellors, I have lived in England and Ireland upon Chancery paper, pens, and wax. I am not willing to lose an old advantageous custom. If your lordship hath any to spare me by my servant, you will oblige your very humble servant,

"John Dublin."

So long as judges or subordinate officers were paid by casual perquisites and fees, paid directly to them by suitors, a taint of corruption lingered in the practice of our courts. Long after judges ceased to sell injustice, they delayed justice from interested motives, and when questions concerning their perquisites were raised they would sometimes strain a point, for the sake of their own private advantage. Even Ellen-

borough, whose fame is bright amongst the reputations of honourable men, could not always exercise self-control when attempts were made to lessen his customary profits. "I never," writes Lord Campbell, "saw this feeling at all manifest itself in Lord Ellenborough except once, when a question arose whether money paid into court was liable to poundage. I was counsel in the case, and threw him into a furious passion by strenuously resisting the demand; the poundage was to go into his own pocket—being payable to the chief clerk—an office held in trust for him. If he was in any degree influenced by this consideration, I make no doubt that he was wholly unconscious of it."

George III.'s reign witnessed the introduction of changes long required and frequently demanded in the mode and amounts of judicial payments. In 1779 puisne judges and barons received an additional 400*l.* per annum, and the Chief Baron an increase of 500*l.* a year. Twenty years later, Stat. 39 Geo. III., c. 110, gave the Master of the Rolls 4000*l.* a year, the Lord Chief Baron 4000*l.* a year, and each of the puisne judges and barons 3000*l.* per annum. By the same act also life-pensions of 4000*l.* per annum were secured to retiring holders of the seal, and it was provided that after fifteen years of service, or in case of incurable infirmity, the Chief Justice of the King's Bench could claim on retirement 3000*l.* per annum, the Master of the Rolls, Chief of Common Pleas, and Chief Baron 2500*l.* per annum, and each minor judge of those courts or Baron of the coif 2000*l.* a year. In 1809 (49 Geo. III., c. 127) the Lord Chief Baron's annual salary was raised to 5000*l.*; whilst a yearly stipend of 4000*l.* was assigned to each puisne judge or baron. By 53 Geo. III., c. 153, the Chiefs and Master of the Rolls received on retirement an additional yearly 800*l.*, and the puisnes an additional yearly 600*l.* A still more important reform of George III.'s reign was the creation of the first Vice Chancellor in March 1813. Rank was assigned to the new functionary next after the Master of the Rolls, and his salary was fixed at 5000*l.* per annum.

Until the reign of George IV. judges continued to take fees and perquisites; but by 6 Geo. IV. c. 82, 83, 84, it was arranged that the fees should be paid into the Exchequer, and

that the undernamed great officers of justice should receive the following salaries and pensions on retirement:—

	An. Sal.	An. Pension on retirement.
Lord Chief Justice of King's Bench .	£10,000 .	£4000
Lord Chief Justice of Common Pleas .	8000 .	3750
The Master of the Rolls	7000 .	3750
The Vice Chancellor of England . .	6000 .	3750
The Chief Baron of the Exchequer .	7000 .	3750
Each Puisne Baron or Judge . . .	5500 .	3500

Moreover by this Act the second judge of the King's Bench was entitled, as in the preceding reign, to 40*l.* for giving charge to the grand jury in each term, and pronouncing judgment on malefactors.

The changes with regard to judicial salaries under William IV. were comparatively unimportant. By 2 and 3 Will. IV. c. 116, the salaries of puisne judges and barons were reduced to 5000*l.* a year; and by 2 and 3 Will. IV. c. 111, the Chancellor's pension, on retirement, was raised to 5000*l.*, the additional 1000*l.* per annum being assigned to him in compensation of loss of patronage occasioned by the abolition of certain offices. These were the most noticeable of William's provisions with regard to the payment of his judges.

The present reign, which has generously given the country two new judges called Lords Justices, two additional Vice Chancellors, and a swarm of paid justices, in the shape of county court judges and stipendiary magistrates, has exercised economy with regard to judicial salaries. The annual stipends of the two Chief Justices, fixed in 1825 at 10,000*l.* for the chief of the King's Bench, and 8000*l.* for the chief of the Common Pleas, have been reduced, in the former case to 8000*l.* per annum, in the latter to 7000*l.* per annum. The Chancellor's salary for his services as Speaker of the House of Lords, has been made part of the 10,000*l.* assigned to his legal office; so that his income is no more than ten thousand a year. The salary of the Master of the Rolls has been reduced from 7000*l.* to 6000*l.* a year; the same stipend, together with a pension on retirement of 3750*l.* being assigned to each of the Lords Justices. The salary of a Vice Chancellor is 5000*l.* per

annum; and after fifteen years' service, or in case of incurable sickness rendering him unable to discharge the functions of his office, he can retire with a pension of 3500*l.*

Thurlow had no pension on retirement; but with much justice Lord Campbell observes: "Although there was no parliamentary retired allowance for ex-Chancellors, they were better off than at present. Thurlow was a Teller of the Exchequer, and had given sinecures to all his relations, for one of which his nephew now receives a commutation of 9000*l.* a year." Lord Loughborough was the first ex-Chancellor who enjoyed, on retirement, a pension of 4000*l.* per annum, under Stat. 39 Geo. III. c. 110. The next claimant for an ex-Chancellor's pension was Eldon on his ejection from office in 1806; and the third claimant was Erskine, whom the possession of the pension did not preserve from the humiliations of indigence.

Eldon's obstinate tenacity of office was attended with one good result. It saved the nation much money by keeping down the number of ex-Chancellors entitled to 4000*l.* per annum. The frequency with which governments have been changed during the last forty years has had a contrary effect, producing such a strong bevy of lawyers—who are pensioners as well as peers—that financial reformers are loudly asking if some scheme cannot be devised for lessening the number of these costly and comparatively useless personages. "Already during this reign," observes Mr. Foss (to whose "Judges of England" the present writer is indebted for many facts contained in this chapter), "there have been no less than six changes in the administration of the kingdom, arising from the equality of the two principal political parties in the state, no longer described as Whigs and Tories, but using the more elegant titles of Liberals and Conservatives; and the weight of each being increased or diminished by the accession to, or desertion from, the ranks of one or the other of the minor and more violent sections on certain subjects of discussion raised for the purpose of trying the strength of the party in power. In all these changes the Great Seal is of course entrusted to new Chancellors, the number of whom, by death and retirement, has been increased to nine, besides a short interval during which

the seal was in commission." At the time when this page is written there are four ex-Chancellors in receipt of pensions—Lords Brougham, St. Leonards, Chelmsford, and Westbury; but death has recently diminished the roll of Chancellors by removing Lords Truro and Lyndhurst. Not long since the present writer read a very able but one-sided article in a liberal newspaper that gave the sum total spent by the country since Lord Eldon's death in ex-Chancellors' pensions; and in simple truth it must be admitted that the bill was a fearful subject for contemplation.

To those who ask for reform in this matter, advocates in favour of the existing arrangement reply—with expressions of disdain for cheese-paring economy; with reminders that the ex-Chancellors do their country much good service, in discharging the judicial functions of the House of Lords; and with explanations that government by party would be impossible if the law officers of the crown did not accept and leave office together with administrations—that painful embarrassments would ensue if the keeper of the sovereign's conscience did not hold the same political opinions as the Prime Minister—that the interest of bar, bench, peerage, country, and civilization would suffer if each new *Premier* could not create a new Chancellor, and if each new Chancellor were not placed for life in a position of pecuniary independence. Of course to each of these arguments there is a reply. By some of the friends of reform it is urged—that there is no reason why Chancellors should resign together with cabinets, any more than Masters of the Rolls and Chief Justices; that the embarrassments apprehended from difference of political opinion between Premier and Chancellor are imaginary; that the Chancellor's duty to the sovereign is to give sound legal advice—a duty he is much more likely to discharge with fidelity if he is not required to trouble himself about mere party considerations. Indeed there are writers who maintain that great advantage would ensue to the country, if judges were appointed on grounds altogether distinct from political considerations; if the Lord Chancellor, like the Archbishop of Canterbury, were placed above, or at least *apart*, from party; if in the House of Commons the Attorney General and Solicitor General should cease to be partisans of

the existing government, and holding their places permanently, should be bound to give good legal advice, without respect to its probable or possible effects on party; if, in short, the legal servants of the crown were merely required to furnish the country with "good law," instead of ingenious defences of bad public policy. Of course the upholders of these views are aware that they require a complete revolution in all the relations at the present time existing between cabinets and law officers of the crown. Of course also those who are content with the present state of affairs reply with much clever ridicule and much weighty argument to those who maintain that under certain circumstances a Tory Chancellor could ably and satisfactorily discharge the duties of his office whilst a Whig Premier directed the government of the country. More moderate advocates of reform think that the evil could be met by limiting the number of ex-Chancellors entitled to receive pensions at the same time.

Whether the present writer agrees or disagrees with any or all of these opinions he declines to give any intimation in this book. A collector of anecdotes and historical gossip, he does not presume on the present occasion to trouble the public with his political opinions.

PART VII.—COSTUME AND TOILET.

CHAPTER XXXIX.

BRIGHT AND SAD.

FROM the days of the Conqueror's Chancellor, Baldrick, who is reputed to have invented and christened the sword-belt that bears his name, lawyers have been conspicuous amongst the best-dressed men of their times. For many generations clerical discipline restrained the members of the bar from garments of lavish costliness and various colours, unless high rank and personal influence placed them above the fear of censure and punishment; but as soon as the law became a lay-profession, its members—especially those who were still young—eagerly seized the newest fashions of costume, and expended so much time and money on personal decoration that the governors of the Inns deemed it expedient to make rules, with a view to check the inordinate love of gay apparel.

By these enactments foppish modes of dressing the hair were discountenanced or forbidden, not less than the use of gaudy clothes and bright arms. Some of these regulations have a quaint air to readers of this generation; and as indications of manners in past times they deserve attention.

From Dugdale's "Origines Juridiciales" it appears that in the earlier part of Henry VIII.'s reign the students and barristers of the Inns were allowed great licence in settling for themselves minor points of costume; but before that paternal monarch died this freedom was lessened. In his "Description of the Form and Manner, how and by what Customes the state of the Fellowship of the Middle Temple (one of the Houses of the Court) is maintained; and what wages they have to at-

taine unto learning," Dugdale, accepting the statements of a previous chronicler, observes—"They have no order for their apparell; but every man may go as him listeth, so that his apparell pretend no lightness or wantonness in the wearer; for, even as his apparell doth shew him to be, even so he shall be esteemed among them." But at the period when this licence was permitted in respect of costume, the general discipline of the Inn was scandalously lax; the very next paragraph of the "Origines" showing that the templars forbore to shut their gates at night, whereby "their chambers were oftentimes robbed, and many other misdemeanours used."

But measures were taken to rectify the abuses and evil manners of the schools. In the thirty-eighth year of Henry VIII. an order was made "that the gentlemen of this company" (*i.e.*, the Inner Temple) "should reform themselves in their cut or disguised apparel, and not to have long beards. And that the Treasurer of this society should confer with the other Treasurers of Court for an uniform reformation." The authorities of Lincoln's Inn had already bestirred themselves to reduce the extravagances of dress and toilet which marked their younger and more frivolous fellow-members. "And for decency in Apparel," writes Dugdale, concerning Lincoln's Inn; "at a council held on the day of the Nativity of St. John the Baptist, 23 Hen. VIII. it was ordered that for a continual rule, to be thenceforth kept in this house, no gentleman, being a fellow of this house should wear any cut or pansid hose, or bryches; or pansid doblet, upon pain of putting out of the house."

Ten years later the authorities of Lincoln's Inn (33 Hen. VIII.) ordered that no member of the society "being in commons, or at his repast, should wear a beard; and whoso did, to pay double commons or repasts in this house during such time as he should have any beard."

In subsequent reigns the attire and toilet of the gentlemen of the law occasioned much concern and discussion amongst the authorities of the Inns of Court.

By an order of 5 Maii, 1 and 2 Philip and Mary, the gentlemen of the Inner Temple were forbidden to wear long beards, no member of the society being permitted to wear a

beard of more than three weeks' growth. Every breach of this law was punished by the heavy fine of twenty shillings. In 4 and 5 of Philip and Mary it was ordered that no member of the Middle Temple "should thenceforth wear any great bryches in their hoses, made after the Dutch, Spanish, or Almon fashion; or lawnde upon their capps; or cut doublets, upon pain of iii^{s} iiii^{d} forfaiture for the first default, and the second time to be expelled the house." At Lincoln's Inn, "in 1 and 2 Philip and Mary, one M^{r} Wyde, of this house, was (by special order made upon Ascension day) fined at five groats, for going in his study gown in Cheap-side, on a Sunday, about ten o'clock before noon; and in Westminster Hall, in the Term time, in the forenoon." Mr. Wyde's offence was one of remissness rather than of excessive care for his personal appearance. With regard to beards in the same reign Lincoln's Inn exacted that such members "as had beards should pay 12*d.* for every meal they continued them; and every man" was required "to be shaven upon pain of putting out of commons."

The orders made under Elizabeth with regard to the same or similar matters are even more humorous and diverse. At the Inner Temple "it was ordered in 36 Elizabeth (16 Junii), that if any fellow in commons, or lying in the house, did wear either hat or cloak in the Temple church, hall, buttry, kitchin, or at the buttry-barr, dresser, or in the garden, he should forfeit for every such offence vi^{s} viii^{d}. And in 42 Eliz. (8 Febr.) that they go not in cloaks, hatts, bootes, and spurrs into the city, but when they ride out of the town." This order was most displeasing to the young men of the legal academies, who were given to swaggering amongst the brave gallants of city ordinaries, and delighted in showing their rich attire at Paul's. The Templar of the Inner Temple who ventured to wear arms (except his dagger) in hall committed a grave offence, and was fined five pounds. "No fellow of this house should come into the hall" it was enacted at the Inner Temple, 38 Eliz. (20 Dec.) "with any weapons, except his dagger or his knife, upon pain of forfeiting the sum of five pounds." In old time the lawyers often quarrelled and drew swords in hall; and the object of this regulation doubtless was to diminish the

number of scandalous affrays. The Middle Temple, in 26 Eliz., made six prohibitory rules with regard to apparel, enacting, "1. That no ruff should be worn. 2. Nor any white colour in doublets or hoses. 3. Nor any facing of velvet in gownes, but by such as were of the bench. . 4. That no gentleman should walk in the streetes in their cloaks, but in gownes. 5. That no hat, or long, or curled hair be worn. 6. Nor any gown, but such as were of a sad colour." Of similar orders made at Gray's Inn, during Elizabeth's reign, the following edict of 42 Eliz. (Feb. 11) may be taken as a specimen :—"That no gentleman of this society do come into the hall, to any meal, with their hats, boots, or spurs; but with their caps, decently and orderly, according to the ancient order of this house: upon pain, for every offence to forfeit iii^{s} 4^{d}, and for the third offence expulsion. Likewise, that no gentleman of this society do go into the city, or suburbs, or to walk in the Fields, otherwise than in his gown, according to the ancient usage of the gentlemen of the Inns of Court, upon penalty of iii^{s} iiii^{d} for every offence; and for the third, expulsion and loss of his chamber."

At Lincoln's Inn it was enacted, "in 38 Eliz., that if any Fellow of this House, being a commoner or repaster, should within the precinct of this house wear any cloak, boots and spurrs, or long hair, he should pay for every offence five shillings for a fine, and also to be put out of commons." The attempt to put down beards at Lincoln's Inn failed. Dugdale says, in his notes on that Inn, "And in 1 Eliz. it was further ordered, that no fellow of this house should wear any beard above a fortnight's growth; and that whoso transgresses therein should for the first offence forfeit 3*s.* 4*d.*, to be paid and cast with his commons; and for the second time 6*s.* 8*d.*, in like manner to be paid and cast with his commons; and the third time to be banished the house. But the fashion at that time of wearing beards grew then so predominant, as that the very next year following, at a council held at this house, upon the 27th of November, it was agreed and ordered, that all orders before that time touching beards should be void and repealed." In the same year in which the authorities of Lincoln's Inn forbade the wearing of beards, they ordered that no fellow of their

society "should wear any sword or buckler; or cause any to be born after him into the town." This was the first of the seven orders made in 1 Eliz. for *all* the Inns of Court; of which orders the sixth runs thus:—"That none should wear any velvet upper cap, neither in the house, nor city. And that none after the first day of January then ensuing, should wear any furs, nor any manner of silk in their apparel, otherwise than he could justifie by the statute of apparel, made *an.* 24 H. 8 under the penalty aforesaid." In the eighth year of the following reign it was ordained at Lincoln's Inn "that no rapier should be worn in this house by any of the society."

Other orders made in the reign of James I., and similar enactments passed by the Inns in still more recent periods, can be readily found on reference to Dugdale and later writers upon the usages of lawyers. The tenth section of "The Orders"—made in the sixteenth year of Charles II.'s reign, for the government of the Inns of Court and Chancery—runs thus:—"For that an outward decency in habit and apparel is an ornament to all societies, and containeth young men with the bounds of civility and order; it is ordered that no gentleman of any House of Court or Chancery shall come into the several halls, churches, or chappells of the several societies with cloaks, swords, or daggers, upon pain to undergo the penalties contained in the orders of the several houses, which are strictly to be put in execution."

That these and other like rules relating to costume were rigidly observed for any considerable length of time it is difficult to believe. The frequency with which they were declared anew accords with the opinion that the younger barristers and students evaded them by artifice, or boldly set them at nought. On such matters fashion is all-powerful; and however grandly the benchers of an Inn might talk in their council-chamber, they could not prevail on their youngsters to eschew beards when beards were the mode, or to crop the hair of their heads when long tresses were worn by gallants at court. Even in the time of Elizabeth—when authority was most anxious that utter-barristers should in matters of costume maintain that reputation for "sadness" which is the proverbial characteristic of apprentices of the law—counsellors of various degrees were

conspicuous throughout the town for brave attire. If we had no other evidence bearing on the point, knowledge of human nature would make us certain that the bar imitated Lord Chancellor Hatton's costume. At Gray's Inn, Francis Bacon was not singular in loving rich clothes, and running into debt for satin and velvet, jewels and brocade, lace and feathers. Even of that contemner of frivolous men and vain pursuits, Edward Coke, biography assures us, "The jewel of his mind was put into a fair case, a beautiful body with comely countenance; a case which he did wipe and keep clean, delighting in good clothes, well worn; being wont to say that the outward neatness of our bodies might be a monitor of purity to our souls."

The courts of James I. and his son drew some of their most splendid fops from the multitude of young men who were enjoined by the elders of their profession to adhere to a costume that was a compromise between the garb of an Oxford scholar and the guise of a London 'prentice. The same was the case with Charles II.'s London. Students and barristers outshone the brightest idlers at Whitehall, whilst within the walls of their Inns benchers still made a faint show of enforcing old restrictions upon costume. At a time when every Templar in society wore hair—either natural or artificial—long and elaborately dressed, Sir William Dugdale wrote, "To the office of the chief butler" (*i.e.*, of the Middle Temple) "it likewise appertaineth to take the names of those that be absent at the said solemn revells, and to present them to the bench, as also inform the bench of such as wear hats, bootes, *long hair*, or the like (for the which he is commonly out of the young gentlemen's favour)."

CHAPTER XL.

MILLINERY.

SAITH Sir William Dugdale, in his chapter concerning the personal attire of judges—"That peculiar and decent vestments have, from great antiquity, been used in religious services, we have the authority of God's sacred precept to Moses, '*Thou shalt make holy rayments of Aaron and his sons, that are to minister unto me, that they may be for glory and beauty.*" In this light and flippant age there are men irreverent enough to smile at the habiliments which our judges wear in court, for the glory of God and the seemly embellishment of their own natural beauty.

Like the stuff-gown of the utter-barrister, the robes of English judges are of considerable antiquity; but antiquaries labour in vain to discover all the facts relating to their origin and history. Mr. Foss says that at the Stuart Restoration English judges resumed the robes worn by their predecessors since the time of Edward I.; but though the judicial robes of the present day bear a close resemblance to the vestments worn by that king's judges, the costume of the bench has undergone many variations since the twentieth year of Edward I., when "the king by his precept to the keeper of his great wardrobe, commanded him to deliver unto William Scot, and the rest of his fellow-justices of his bench; as also to John de Stonore and those with him, Justices of the Common Pleas; and likewise to Robert de Sadyngtone and other the barons of his Exchequer—*viz.*, to each of them for their summer vestments (or robes) for that present year, half a short cloth, and one piece of fine linnen silk; and for the winter season another half of a cloth colour curt, with a hood, and three pieces of fur of white budg. And for the feast of the Nativity of our

Lord, half a cloth colour curt, with a hood of two-and-thirty bellyes of minever, another fur with seven tires of minever, and two furs of silk." In the twenty-first year of Edward III. the judges of the three Common Law Courts "were allowed out of the same wardrobe, at the Feast of All Saints, for their winter robes, each of them half a cloth colour curt, three furs of white budg, and one hood of the same budg. And for their liveries at Christmas each of them half a cloth likewise colour curt, one hood containing xxxii. bellyes of minever helf pur, one fur of minever containing seven tires, and two furs of silk, each of seven tires. And for their summer robes, each of them half a cloth colour curt, with one piece and an half of thin silk."

In the eleventh year of Richard II. a distinction was made between the costumes of the chiefs of the King's Bench and Common Pleas and their assistant justices; and at the same time the Chief Baron's inferiority to the Chief Justices was marked by costume. The judges of the King's Bench and Common Pleas "had for their summer robes these following liveries—*viz.*, each of the Chief Justices, ten ells of green cloth long, and xxiiii. ells of green taffata; and each of the rest ten ells of green cloth long. The like (*viz.*, ten ells of green cloth long) at the same time had John Cassy, Chief Baron of the Exchequer."

In the twenty-second year of Henry VI., Chief Baron John Fray received, "for his winter robe against Christmas, x ells of violet in grain; 1 fur of xxxii. bellies of minever pur, for his hood; another fur of cxx. bellies of minever gross; and two furs each of seven tyres of silk." The same judge received, "for his summer robe, against Whitsuntide, ten ells of green cloth long, and half a piece of green tartarin." The three other barons of the Exchequer at the same time had "for the like summer robes, each of them ten ells of violet in grayn, with 1 fur of cxx. bellies of minever gross, and another fur of xxxii. bellies of minever fur for the hood, as also two furs of silk, each of seven tyres." Having given these particulars, Dugdale observes: "From which allowance we may take notice that the colour of their robes was not constantly the same, there being so much variation in those times above-mentioned,

though for the fashion of them (I presume) they did not differ much."

Henry VI.'s Chief Justice of the King's Bench, Sir John Fortescue, in his delightful treatise "De Laudibus Legum Angliæ," describes the ceremony attending the creation of a justice, and minutely sets forth the chief items of judicial costume in the Bench and Common Pleas during his time. "Howbeit," runs Robert Mulcaster's rendering of the 'De Laudibus,' "the habite of his rayment, hee shall from time to time forwarde, in some pointes change, but not in all the ensignments thereof. For beeing a serjeaunt at lawe, hee was cloathed in a long robe priestlyke, with a furred cape about his shoulders, and thereupon a hoode with two labels such as Doctours of the Lawes use to weare in certayne universityes, with the above described quoyfe. But being ones made a justice, in steede of his hoode, hee shall weare a cloake cloased upon his righte shoulder, all the other ornaments of a serjeant still remayning; sauing that a justyce shall weare no partye coloured vesture as a serjeant may. And his cape is furred with none other than menever, whereas the serjeant's cape is ever furred with whyte lambe."

These notes are sufficient to prove that judicial costume varied with the fashion of the day or the whim of the sovereign in the fourteenth and fifteenth centuries. Subsequent generations saw the introduction of other changes; and in the time of Charles I. questions relating to the attire of the common law judges were involved in so much doubt, and surrounded with so many contradictory precedents and traditions, that the judges resolved to simplify matters by conference and unanimous action. The result of their deliberation was a decree,* dated

* This order was drawn up in the following terms:—

"The judges in Term time are to sit at Westminster in the courts, in their black or violet gowns, whether they will; and a hood of the same colour put over their heads, and their mantles above all; the end of the hood hanging over behind; wearing their velvet caps, and coyfes of lawn, and cornered caps.

"The facing of their gownes, hoods, and mantles, is with changeable taffata; which they must begin to wear upon Ascension-day, being the last Thursday in Easter Term; and continue those robes untill the feast of Simon and Jude. And upon Simon and Jude's day, the judges begin to wear their robes faced with white furs of minever; and so continue that facing till Ascension-day again.

"Upon all Holydayes, which fall in the Term and are Hall dayes, the judges

June 6, 1635, to which Sir John Bramston, Chief of the King's Bench, Sir John Finch, Chief of the Common Pleas,

sit in scarlet faced with Taffata, when Taffata facing is to be worn; and with furs, or minever, when furs or minever are to be worn.

"Upon the day when the Lord Mayor of London comes to Westminster to take his oath, that day the judges come in scarlet. And upon the fifth of November (being Gunpowder day), unless it be Sunday, the judges go to Westminster Abbey in scarlet to hear the sermon; and after go to sit in court. And the two Lords Chief Justices, and the Lord Chief Baron, have their collars of SS above their mantles for those two dayes.

"When the judges go to Paul's to the sermon, upon any Sunday in the Term time, or to any other publick church, they ought to go in scarlet gownes; the two Lords Chief Justices and the Lord Chief Baron in their velvet and sattin tippets; and the hood is to be pinned abroad towards the left shoulder. And if it be upon any grand dayes, as upon the Ascension-day, Midsummer-day, All Hallows-day, or Candlemas-day, then the two Lords Chief Justices and the Lord Chief Baron wear collars of SS with long scarlet casting-hoods, and velvet and sattin tippets.

"At all times when the judges go to the council-table, or to any assembly of the Lords, in the afternoons in term time, they ought to go in their robes of violet or black, faced with taffata, according as the time of wearing them doth require; and with tippets and scarlet casting-hoods, pinned near the left shoulder, unless it be Sunday or Holyday, and then in scarlet.

"In the circuit the judges go to the church upon Sundays in the fore-noon in scarlet gownes, hoods, and mantles, and sit in their caps. And in the afternoons to the church in scarlet gownes, tippet, and scarlet hood, and sit in their cornered caps.

"And the first morning at the reading of the commissions, they sit in scarlet gownes, with hoods and mantles, and in their coyfs and cornered caps. And he that gives the charge, and delivers the gaol, doth, or ought for the most part, to continue all that assizes in the same robes, scarlet gown, hood, and mantle. But the other judge, who sits upon the Nisi Prius, doth commonly (if he will) sit only in his scarlet robe, with tippet and casting hood; or if it be cold he may sit in gown, and hood, and mantle.

"And where the judges in the circuit go to dine with the shireeve, or to a publick feast, then in scarlet gowns, tippets, and scarlet hoods; or casting off their mantle, they keep on their other hood.

"The scarlet casting-hood is to be put above the tippet, on the right side, for Justice Walmsley and Justice Warburton, and all the judges before, did wear them in that manner; and did declare, that by wearing the hood on the right side, and above the tippet, was signified more temporal dignity; and by the tippet on the left side only, the judges did resemble priests.

"Whensoever the judges or any of them are appointed to attend the king's majesty, they go in scarlet gowns, tippets, and scarlet casting-hoods; either to his own presence, or at the council-table.

"The judges and serjeants when they ride circuits, are to wear a serjeant's coat of good broad-cloth, with sleeves, and faced with velvet. They have used of late to lace the sleeves of the serjeant's coat thick with lace, and they are to have a sumpter, and ought to ride with six men at the least.

"Also the first Sunday of every Term, and when the judges and serjeants dine at

Sir Humphrey Davenport, Chief of the Exchequer, and all the minor judges of the three courts, gave subscription.

my Lord Mayor's, or the shireeves, they are to wear their scarlets, and to sit at Paul's with their caps at the sermon.

"When the judges go to any reader's feast, they go upon the Sunday or Holyday in scarlet; upon other days in violet, with scarlet casting-hoods, and the serjeants go in violet, with scarlet hoods.

"When the judges sit upon *Nisi Prius* in Westminster, or in London, they go in violet gowns, and scarlet casting-hoods, and tippets, upon Holydays in scarlet."

This order deserves attentive perusal; for it throws light upon departed manners, exemplifies the obsolete pomp of the law, and recalls the days when the humblest judge of assize was required to ride circuit with an imposing body-guard. Of that pomp John Evelyn gives an illustration in the passage where he speaks despitefully of Richardson, the jeering judge, and recounts the state with which his father, as sheriff for Surrey and Sussex, received and accompanied the judges of assize in the November of 1633. "He had," says the proud son, "119 servants in liveries, every one liveried in green satin doublets; divers gentlemen and persons of quality waited on him in the same garb and habit, which at that time (when thirty or forty was the usual retinue of the High Sheriff) was esteemed a great matter. Nor was this out of the least vanity that my father exceeded (who was one of the greatest decliners of it); but because he could not refuse the civility of his friends and relations, who voluntarily came themselves or sent in their servants."

CHAPTER XLI.

WIGS.

THE changes effected in judicial costume during the Commonwealth, like the reformation introduced at the same period into the language of the law, were all reversed in 1660, when Charles II.'s judges resumed the attire and usages of their predecessors in the First Charles's reign. When he had satisfied himself that monarchical principles were sure of an enduring triumph, and that their victory would conduce to his own advantage, great was young Samuel Pepys's delight at seeing the ancient customs of the lawyers restored, one after another. In October, 1660, he had the pleasure of seeing "the Lord Chancellor and all the judges riding on horseback, and going to Westminster Hall, it being the first day of term." In the February of 1663-4 his eyes were gladdened by the revival of another old practice. "28th (Lord's Day). Up, and walked to Paul's," he writes, "and, by chance, it was an extraordinary day for the Readers of Inns of the Court and all the Students to come to church, it being an old ceremony not used these twenty-five years, upon the first Sunday in Lent. Abundance there was of students, more than there was room to seat but upon forms, and the church mighty full. One Hawkins preached, an Oxford man, a good sermon upon these words, 'But the wisdom from above is first pure, then peaceable.'" Hawkins was no doubt a humorist, and smiled in the sleeve of his Oxford gown as he told the law-students that *peace* characterized the highest sort of *wisdom.*

But, notwithstanding their zeal in reviving old customs, the lawyers of the Restoration introduced certain novelties into legal life. From Paris they imported the wig which still remains one of the distinctive adornments of the English barrister; and from the same centre of civilization they introduced certain

refinements of cookery, which had been hitherto unknown in the taverns of Fleet Street and the Strand. In the earlier part of the "merry monarch's" reign, the eating-house most popular with young barristers and law-students was kept by a French cook named Chattelin, who, besides entertaining his customers with delicate fare and choice wine, enriched our language with the word "cutlet"—in his day, spelt costelet. Roger North writes of his brother: "And when he was out of commons, the cook usually provided him with meals; but at night he desired the company of some known and ingenious friends to join in a costelet and a salad at Chattelin's, where a bottle of wine sufficed, and the company dressed their own feast, that consisted in friendly and agreeable conversation." In Roger's time it was modish to eat the dainty small ribs of lamb and mutton, but somewhat scandalous to be a notorious devourer of *chops*—things vastly different from Mons. Chattelin's piquant costelets. When, therefore, the author of the "Examen" wished to throw contempt on Sheriff Bethel—a gentleman not less odious to political adversaries than Lord Westbury to Mr. Busfield Ferrand—he imputed to him niggardliness and love of chops. Says the "Examen," "In the year 1660, Bethel and Cornish were chosen sheriffs. The former used to walk about more like a corn-cutter than sheriff of London; he kept no house, but lived upon chops; whence it is proverbial for not feasting, to *Bethel the City*."

In the seventeenth century, until wigs were generally adopted, the common law judges, like their precursors for several past generations, wore in court velvet caps, coifs, and cornered caps. Pictures preserve to us the appearance of justices, with their heads covered by one or two of these articles of dress, the moustache in many instances adorning the lip, and a well-trimmed beard giving point to the judicial chin. The more common head-dress was the coif and coif-cap, of which it is necessary to say a few words.

The coif was a covering for the head, made of white lawn or silk, and common law judges wore it as a sign that they were members of the learned brotherhood of serjeants. "No man also," says Fortescue, in the 'De Laudibus,' "be he never so conning and skilful in the lawes of the realme, shall be

exalted to the office and dignitie of a justice in the court of plees before the king, or in the court of the comen bench, which are the chiefe ordinary courtes of the realme, unless hee bee first promoted to the state and degree of a serjeaunt-at-lawe. Neither shal any man but onely such a serjeaunt, plead in the courte of the commen bench, where al reall actiones are pleaded. Wherefore to this state and degree hath no man beene hitherto admitted, except he hath first continued by the space of sixteene years in the said generall studie of the law, and in token or signe, that all justices are thus graduat, every of them alwaies, while he sitteth in the Kinges Courts, weareth a white quoyfe of silke; which is the principal and chiefe insignment of habite, wherewith serjeants-at-lawe in their creation are decked. And neither the justice, nor yet the serjeaunt, shall ever put of the quoife, no not in the kinges presence, though he bee in talke with his majesties highnesse." At times it was no easy matter to take the coif from the head; for the white drapery was fixed to its place with strings, which in the case of one notorious rascal were not untied without difficulty. In Henry III.'s reign, when William de Bussy was charged in open court with corruption and dishonesty, he claimed the benefit of clerical orders, and endeavoured to remove his coif in order that he might display his tonsure; but before he could effect his purpose, an officer of the court seized him by the throat and dragged him off to prison. "Voluit," says Matthew Paris, "ligamenta coifæ suæ solvere, ut palam monstrarct se tonsuram habere clericalem; sed non est permissus. Satelles vero eum arripiens, non per coifæ ligamina sed per guttur eum apprehendens, traxit ad carcerem." From which occurrence Spelman drew the untenable, and indeed, ridiculous inference, that the coif was introduced as a veil, beneath which ecclesiastics who wished to practise as judges or counsel in the secular courts, might conceal the personal mark of their order.

The coif cap is still worn in undiminished proportions by judges when they pass sentence of death, and is generally known as the "black cap." In old time the justice, on making ready to pronounce the awful words which consigned a fellow-creature to a horrible death, was wont to draw up the flat,

square, dark cap, that sometimes hung at the nape of his neck or the upper part of his shoulder. Having covered the whiteness of his coif, and partially concealed his forehead and brows with the sable cloth, he proceeded to utter the dread sentence with solemn composure and firmness. At present the black cap is assumed to strike terror into the hearts of the vulgar; formerly it was pulled over the eyes, to hide the emotion of the judge.

Shorn of their original size, the coif and the coif cap may still be seen in the wigs worn by serjeants at the present day. The black blot which marks the crown of a serjeant's wig is generally spoken of as his coif, but this designation is erroneous. The black blot is the coif-cap; and those who wish to see the veritable coif must take a near view of the wig, when they will see that between the black silk and the horse-hair there lies a circular piece of white lawn, which is the vestige of that pure raiment so reverentially mentioned by Fortescue. On the general adoption of wigs, the serjeants, like the rest of the bar, followed in the wake of fashion; but at first they wore their old coifs and caps over their false hair. Finding this plan cumbersome, they gradually diminished the size of the ancient covering, until the coif and cap became the absurd thing which resembles a bald place covered with court-plaster quite as much as the rest of the wig resembles human hair. Confounding the coif with the coif cap, Lord Campbell writes—"In the middle of the seventeenth century the common law judges adhered to their *coifs*, or black cloth caps, which they still put on when they pass sentence of death."

In like manner, describing the disguise worn by Jeffreys at the time of his capture at the Red Cow, Anchor and Hope Alley, Wapping, Lord Campbell says—"To avoid, as he thought, all chances of being recognised by those who had seen him in ermine or gold-embroidered robes, with a long white band under his chin, his collar of SS round his neck, and on his head a full-bottom wig, which had recently become the attribute of judicial dignity, *instead of the old-fashioned coif or black velvet cap*, he cut off his bushy eyebrows, wont to inspire terror, he put on the worn-out dress of a common sailor, and he covered his head with an old tarred hat that seemed to have weathered many a blast."

Whilst the common law judges of the seventeenth century, before the introduction of wigs, wore the undiminished coif and coif cap, the Lord Chancellor, like the Speaker of the House of Commons, wore a hat. Lord Keeper Williams, the last clerical holder of the seals, used to wear in the Court of Chancery a round conical hat. Bradshaw, sitting as president of the commissioners who tried Charles I., wore a hat instead of the coif and cap which he donned at other times as a serjeant of law. Kennett tells us that "Mr. Serjeant Bradshaw, the President, was afraid of some tumult upon such new and unprecedented insolence as that of sitting judge upon his king; and therefore, besides other defence, he had a thick big-crowned beaver hat, lined with plated steel, to ward off blows." It is scarcely credible that Bradshaw resorted to such means for securing his own safety, for in case of a tumult a hat, however strong, would have been an insignificant protection against popular fury. If conspirators had resolved to take his life, they would have tried to effect their purpose by shooting or stabbing him, not by knocking him on the head. A steel-plated hat would have been but a poor guard against the bludgeon, and a still poorer defence against poniard or pistol. It is far more probable that in laying aside the ordinary head-dress of an English common law judge, and in assuming a high-crowned hat, the usual covering of a Speaker, Bradshaw endeavoured to mark the exceptional character of the proceeding, and to remind the public that he acted under parliamentary sanction. Whatever the wearer's object, England was satisfied that he had a notable purpose, and persisted in regarding the act as significant of cowardice or of insolence, of anxiety to keep within the lines of parliamentary privilege or of readiness to set all law at defiance. At the time and long after Bradshaw's death, that hat caused an abundance of discussion; it was a problem which men tried in vain to solve, an enigma that puzzled clever heads, a riddle that was interpreted as an insult, a caution, a protest, a menace, a doubt. Oxford honoured it with a Latin inscription, and a place amongst the curiosities of the university, and its memory is preserved to Englishmen of the present day in the familiar lines—

> "When England's monarch once uncovered sat,
> And Bradshaw bullied in a broad-brimmed hat."

Judges were by no means unanimous with regard to the adoption of wigs, some of them obstinately refusing to disfigure themselves with false tresses, and others displaying a foppish delight in the new decoration. Sir Matthew Hale, who died in 1676, to the last steadily refused to decorate himself with artificial locks. The likeness of the Chief Justice that forms the frontispiece to Burnet's memoir of the lawyer, represents him in his judicial robes, wearing his SS collar, and having on his head a cap,—not the coif cap, but one of the close-fitting skull-caps worn by judges in the seventeenth century. Such skull-caps, it has been observed in a prior page of this work, were worn by barristers under their wigs, and country gentlemen at home, during the last century. Into such caps readers have seen Sir Francis North put his fees. The portrait of Sir Creswell Levinz (who returned to the bar on dismissal from the bench in 1686) shows that he wore a full-bottomed wig whilst he was a judge; whereas Sir Thomas Street, who remained a judge till the close of James II.'s reign, wore his own hair and a coif cap. Mr. Foss, to whom the present writer is indebted for these facts concerning Levinz and Street, observes that "the wigs of this reign (*i.e.*, Charles II.) were innocent of powder, as far as can be judged by the shadings of the pictures, and had not certainly attained to the formal cut of the present day."

When Shaftesbury sat in court as Lord High Chancellor of England he wore a hat, which Roger North is charitable enough to think might have been a black hat. "His lordship," says the 'Examen,' "regarded censure so little, that he did not concern himself to use a decent habit as became a judge of his station; for he sate upon the bench in an ash-coloured gown silver-laced, and full-ribboned pantaloons displayed, without any black at all in his garb, unless it were his hat, which, now, I cannot positively say, though I saw him, was so."

Even so late as Queen Anne's reign, which witnessed the introduction of three-cornered hats, a Lord Keeper wore his own hair in court instead of a wig, until he received the sovereign's order to adopt the venerable disguise of a full-bottomed wig. Lady Sarah Cowper recorded of her father, 1705:—"The queen after this was persuaded to trust a Whigg

ministry, and in the year 1705, Octr., she made my father Ld. Keeper of the Great Seal, in the 41st year of his age,—'tis said the youngest Lord Keeper that ever had been. He looked very young, and wearing his own hair made him appear yet more so, which the queen observing, obliged him to cut it off, telling him the world would say she had given the seals to a boy."

The young Lord Keeper of course obeyed; and when he appeared for the first time at court in a wig, his aspect was so grave and reverend that the queen had to look at him twice before she recognised him. More than half a century later, George II. experienced a similar difficulty, when Lord Hardwicke, after the close of his long period of official service, showed himself at court in a plain suit of black velvet, with a bag and sword. Familiar with the appearance of the Chancellor dressed in full-bottomed wig and robes, the king failed to detect his old friend and servant in the elderly gentleman who, in the garb of a private person of quality, advanced and rendered due obeisance. "Sir, it is Lord Hardwicke," whispered a lord in waiting who stood near His Majesty's person, and saw the cause of the cold reception given to the ex-Chancellor. But unfortunately the king was not more familiar with the ex-Chancellor's title than his appearance, and in a disastrous endeavour to be affable inquired, with an affectation of interest, "How long has your lordship been in town?" The peer's surprise and chagrin were great until the monarch, having received further instruction from the courtly prompter at his elbow, frankly apologized in bad English and with noisy laughter. "Had Lord Hardwicke," says Campbell, "worn such a uniform as that invented by George IV. for ex-Chancellors (very much like a Field Marshal's), he could not have been mistaken for a common man."

The judges who at the first introduction of wigs refused to adopt them were prone to express their dissatisfaction with those coxcombical contrivances when exhibited upon the heads of counsel; and for some years prudent juniors, anxious to win the favourable opinion of anti-wig justices, declined to obey the growing fashion. Chief Justice Hale, a notable sloven, conspicuous amongst common law judges for the mean-

ness of his attire, just as Shaftesbury was conspicuous in the Court of Chancery for foppishness, cherished lively animosity for two sorts of legal practitioners—attorneys who wore swords, and young Templars who adorned themselves with periwigs. Bishop Burnet says of Hale: "He was a great encourager of all young persons that he saw followed their books diligently, to whom he used to give directions concerning the method of their study, with a humanity and sweetness that wrought much on all that came near him; and in a smiling, pleasant way he would admonish them, if he saw anything amiss in them; particularly if they went too fine in their clothes, he would tell them it did not become their profession. He was not pleased to see students wear long periwigs, or attorneys go with swords, so that such men as would not be persuaded to part with those vanities, when they went to him laid them aside and went as plain as they could, to avoid the reproof which they knew they might otherwise expect." In England, however, barristers almost universally wore wigs at the close of the seventeenth century; but north of the Tweed advocates wore cocked hats and powdered hair so late as the middle of the eighteenth century. When Alexander Wedderburn joined the Scotch bar in 1754, wigs had not come into vogue with the members of his profession.

Many are the good stories told of judicial wigs, and amongst the best of them is the anecdote which that malicious talker Samuel Rogers delighted to tell at Edward Law's expense. "Lord Ellenborough," says the 'Table-Talk,' "was once about to go on circuit, when Lady Ellenborough said that she should like to accompany him. He replied that he had no objection provided she did not encumber the carriage with bandboxes, which were his utter abhorrence. During the first day's journey Lord Ellenborough, happening to stretch his legs, struck his foot against something below the seat; he discovered that it was a bandbox. Up went the window and out went the bandbox. The coachman stopped, and the footman, thinking that the bandbox had tumbled out of the window by some extraordinary chance, was going to pick it up, when Lord Ellenborough furiously called out, 'Drive on!' The bandbox, accordingly, was left by the ditch-side. Having reached the county town

where he was to officiate as judge, Lord Ellenborough proceeded to array himself for his appearance in the court-house. 'Now,' said he, 'where's my wig?—where *is* my wig?' 'My lord,' replied his attendant, 'it was thrown out of the carriage window!'"

Changing together with fashion, barristers ceased to wear their wigs in society as soon as the gallants and bucks of the West End began to appear with their natural tresses in theatres and ball-rooms; but the conservative genius of the law has hitherto triumphed over the attempts of eminent advocates to throw the wig out of Westminster Hall. When Lord Campbell argued the great Privilege case, he obtained permission to appear without a wig; but this concession to a counsel—who, on that occasion, spoke for sixteen hours—was accompanied with an intimation that "it was not to be drawn into precedent." That Campbell would gladly have used the concession as a precedent entitling him to relief from the burden of a wig alike on circuit and in the Courts of Westminster, may be inferred from the warmth with which he exclaimed, "Who would have supposed that this grotesque ornament—fit only for an African chief—would be considered indispensably necessary for the administration of justice in the middle of the nineteenth century?"

Less wise or less fortunate than the bar, the judges of England wore their wigs in society after advocates of all ranks and degrees had agreed to lay aside the professional head-gear during hours of relaxation. Lady Eldon's good taste and care for her husband's comfort induced Lord Eldon, soon after his elevation to the pillow of the Common Pleas, to beg the king's permission that he might put off his judicial wig on leaving the courts in which as Chief Justice he would be required to preside. The petition did not meet with a favourable reception. For a minute George III. hesitated; whereupon Eldon supported his prayer by observing, with the fervour of an old-fashioned Tory, that the lawyer's wig was a detestable innovation—unknown in the days of James I. and Charles the Martyr, the judges of which two monarchs would have rejected as an insult any proposal that they should assume a head-dress fit only for madmen at masquerades or mummers at country wakes. "What! what!"

cried the king, sharply; and then, smiling mischievously, as he suddenly saw a good answer to the plausible argument, he added—"True, my lord, Charles the First's judges wore no wigs, but they wore beards. You may do the same, if you like. You may please yourself about wearing or not wearing your wig; but mind, if you please yourself by imitating the old judges, as to the head—you must please me by imitating them as to the chin. You may lay aside your wig; but if you do—you must wear a beard." Had he lived in these days, when barristers occasionally wear beards in court, and judges are not less conspicuous than the junior bar for magnitude of nose and whisker, Eldon would have accepted the condition. But the last year of the last century was the very centre and core of that time which may be called the period of close shavers; and John Scott, the decorous and respectable, would have endured martyrdom rather than have grown a beard, or have allowed his whiskers to exceed the limits of mutton-chop whiskers.

As Chief Justice of the Common Pleas, and subsequently as Chancellor, Eldon wore his wig whenever he appeared in general society; but in the privacy of his own house he gratified Lady Eldon by laying aside the official head-gear. That this was his usage the gossips of the law-courts knew well; and at Carlton House, when the Prince of Wales was most indignant with the Chancellor who subsequently became his familiar friend, courtiers were wont to soothe the royal rage with diverting anecdotes of the attention which the odious lawyer lavished on the natural hair that gave his Bessie so much delight. On one occasion, when Eldon was firmly supporting the cause of the Princess of Wales, "the first gentleman of Europe" forgot common decency so far that he made a jeering allusion to this instance of the Chancellor's domestic amiability. "I am not the sort of person," growled the prince with an outbreak of peevishness, "to let my hair grow under my wig to please my wife." With becoming dignity Eldon answered—"Your Royal Highness condescends to be personal. I beg leave to withdraw;" and suiting his action to his words, the Chancellor made a low bow to the angry prince, and retired. The prince sneaked out of the position by an untruth instead of an apology. On the following day he caused a written assurance to be conveyed to

the Chancellor that the offensive speech "was nothing personal, but simply a proverb—a proverbial way of saying a man was governed by his wife." It is needless to say that the expression was not proverbial, but distinctly and grossly personal. Lord Malmesbury's comment on this affair is "Very absurd of Lord Eldon; but explained by his having literally done what the prince said." Lord Eldon's conduct absurd! What was the prince's?

That memorable 1832—the year which wrought so much change in the tone and manners as well as the institutions of the English people—saw the death of Lord Tenterden, who, like his official precursors in the peerage, never entered the House of Lords without wearing his judicial costume. Lord Tenterden was the last Chief Justice of whom this could be said; though since his death etiquette has required Chief Justices to wear their judicial robes, whilst officiating for the Speaker of the House of Peers.

CHAPTER XLII.

BANDS AND COLLARS.

BANDS came into fashion with Englishmen many years before wigs, but like wigs they were worn in general society before they became a recognised and distinctive feature of professional costume. Ladies* of rank dyed their hair and wore false tresses in Elizabethan England; but their example was not extensively followed by the men of their time—although the courtiers of the period sometimes donned "periwinkes,"† to the extreme disgust of the multitude, and the less stormy disapprobation of the polite. The frequency with which bands are mentioned in Elizabethan literature affords conclusive evidence that they were much worn towards the close of the sixteenth century; and it is also matter of certainty that they were known in England at a still earlier period. Henry VIII. had "4 shirte-bands of silver with ruffes to the same, whereof one was perled with golde;" and in 1638 Peacham observed, "King Henry VIII. was the first that ever wore a band about his neck, and that very plain, without lace, and about an inch or two in depth. We may see how the case is altered, he is not a gentleman, or in the fashion, whose band of Italian cutwork standeth him not at the least in

* "It was the fashion to dye it yellow at this time in compliment to the queen, whose hair was of that colour. Her Majesty, as well as her great rival, Mary, Queen of Scots, patronized wigs. Elizabeth had eighty attires of false hair at a time. Mary had many sent to her while in captivity at Lochleven, and after her retreat to Carlisle she received 'ung paqué de perruqes de cheveux.' It is recorded that her attendant, Mary Seton, was particularly ingenious in displaying them to advantage, and that Her Majesty changed them every other day."—Vide *Fairholt's Costume in England.*

† The reader should glance at the same author's notes on periwigs. "The earliest notice of them," says Mr. Fairholt, "occurs in the privy purse expenses of Henry VIII., where we find under December, 1529, an entry of twenty shillings 'for a perwyke for Sexton, the king's fool.'"

three or four pounds; yea, a sempster in Holborn told me there are of three-score pound price a-piece." That the fops of Charles I.'s reign were spending money on a fashion originally set by King Henry the Bluff, was the opinion also of Taylor the Water Poet, who in 1630 wrote—

"Now up alofte I mount unto the ruffe,
Which into foolish mortals pride doth puffe;
Yet ruffes' antiquity is here but small—
Within this eighty years not one at all:
For the Eighth Henry (so I understand)
Was the first king that ever wore a *band;*
And but a *falling-band,* plaine with a hem;
All other people knew no use of them.
Yet imitation in small time began
To grow, that it the kingdom overran;
The little falling-bands encreased to ruffes,
Ruffes (growing great) were waited on by cuffes,
And though our frailties should awake our care,
We make our ruffes as careless as we are."

In regarding the falling-band as the germ of the ruff, the Water Poet differs from those writers who, with greater appearance of reason, maintain that the ruff was the parent of the band. Into this question concerning origin of species, there is no occasion to enter on the present occasion. It is enough to state that in the earlier part of the seventeenth century bands or collars—bands stiffened and standing at the backward part, and bands falling upon the shoulder and breast—were articles of costume upon which men of expensive and modish habits spent large sums.

In the days of James I., when standing bands were still the fashion, and falling-bands had not come in, the Inns of Court men were very particular about the stiffness, cut, and texture of their collars. Speaking of the Inns of Court men, Sir Thomas Overbury* (who was poisoned in 1613) says, "He

* Sir Thomas Overbury's "Character of the Inns of Court Man" is such a striking portrait of the legal gallant of the period, that readers will like to see the whole sketch:—"An Inns of Court Man," says Sir Thomas, "is distinguished from a scholar by a pair of silk stockings and a beaver hat, which make him contemn a scholar as much as a scholar does a schoolmaster. By that he hath heard one mooting and seen two plays, he thinks as basely of the university as a young sophister does of the grammar-school. He talks of the university with that state as if he were her chancellor; finds fault with alterations and the fall of discipline with an 'it was not so when I was a student,' although that was within the half-year. He will talk ends of Latin, though it be false, with as great confidence as ever

laughs at every man whose band sits not well, or that hath not a fair shoe-tye, and is ashamed to be in any man's company who wears not his cloathes well."

If portraits may be trusted, the falling band of Charles I.'s time bore considerable resemblance to the falling neck-frill which twenty years since was very generally worn by quite little boys, and is still sometimes seen on urchins who are about six years of age. The bands worn by the barristers and clergy of our own time are modifications of this antique falling-band, and like the coif and coif cap of the modern serjeant, they bear only a faint likeness to their originals. But though bands—longer than those still worn by clergymen—have come to be a distinctive feature of legal costume, the bar was slow to adopt falling-collars—regarding them as a strange and fanciful innovation. Whitelock's personal narrative furnishes pleasant testimony that the younger gentry of Charles I.'s England adopted the new collar before the working lawyers.

"At the Quarter Sessions of Oxford," says Whitelock, speaking of the year 1635, when he was only thirty years of age, "I was put into the chair in court, though I was in coloured clothes, a sword by my side, and a falling-band, which was unusual for lawyers in those days, and in this garb I gave the charge to the Grand Jury. I took occasion to enlarge on the point of jurisdiction in the temporal courts in matters ecclesiastical, and the antiquity thereof, which I did the rather because the spiritual men began in those days to swell higher than ordinary, and to take it as an injury to the Church that anything savouring of the spirituality should be within the cognisance of ignorant laymen. The gentlemen and freeholders seemed well pleased with my charge, and the management of the business of the sessions; and said they perceived one might

Cicero could pronounce an oration, though his best authors for it are taverns and ordinaries. He is as far behind a courtier in fashion as a scholar is behind him, and the best grace in his behaviour is to forget his acquaintance. He laughs at every man whose band sits not well, or that hath not a fair shoe-tye, and is ashamed to be in any man's company who wears not his cloathes well. His very essence he places in his outside, and his chief prayer is, that his resources may hold out for taffaty cloaks in summer, and velvet in winter. . . . . To his acquaintance he offers two quarts of wine to one he gives; you shall never see him melancholy but when he wants a new suit or fears a serjeant, at which time he betakes himself to Ploydon. By that he hath read Littleton, he can call Solon, Lycurgus, and Justinian fools, and dares compare his law to a Lord Chief Justice's."

speak as good sense in a falling-band as in a ruff." At this time Whitelock had been about seven years at the bar; but at the Quarter Sessions the young Templar was playing the part of country squire, and as his words show, he was dressed in a fashion that directly violated professional usage.

Whitelock's speech seems to have been made shortly before the bar accepted the falling-band as an article of dress admissible in courts of law. Towards the close of Charles's reign, such bands were very generally worn in Westminster Hall by the gentlemen of the long robe, and after the Restoration, a barrister would as soon have thought of appearing at the King's Bench without his gown as without his band. Unlike the bar-bands of the present time—which are lappets of fine lawn, of simple make—the bands worn by Charles II.'s lawyers were dainty and expensive articles, such as those which Peacham exclaimed against in the preceding reign. At that date the Templar in prosperous circumstances had his bands made entirely of point lace, or of fine lawn edged with point lace; and as he wore them in society as well as in court, he was constantly requiring a fresh supply of them. Few accidents were more likely to ruffle a Templar's equanimity than a mishap to his band occurring through his own inadvertence or carelessness on the part of a servant. At table the pieces of delicate lace-work were exposed to many dangers. Continually were they stained with wine or soiled with gravy, and the young lawyer was deemed a marvel of amiability who could see his point lace thus defiled and abstain from swearing. "I remember," observes Roger North, when he is showing the perfect control in which his brother Francis kept his temper, "at his table, a stupid servant spilt a glass of red wine upon his point band and clothes. He only wiped his face and clothes with the napkin, and 'Here,' said he, 'take this away;' and no more."*

* The other instances of Francis North's self-command are not less worthy of notice. "But," says the biographer, "as to his lordship's command of his own passion in cases of displeasure, and how, with nice turns of speech, he often used to divert the matter, I shall give an instance or two. Once a carrier had grossly abused him, and to a considerable loss. 'Now,' said he, 'if I had not been a lawyer, I should certainly have sued this man.' And upon a like abuse, which no man could well have borne with patience, he only said—'Now should I be very angry with this fellow if it would do me any good.' I remember, at his table, a stupid servant spilt a glass of red wine upon his point band and clothes. He only wiped his face and clothes with the napkin, and 'Here,' said he, 'take this away;' and no more. I do

In "The London Spy," Ned Ward shows that during Queen Anne's reign legal practitioners of the lowest sort were particular to wear bands. Describing the pettifogger, Ward says, "He always talks with as great assurance as if he understood what he pretends to know; and always wears a band, in which lies his gravity and wisdom." At the same period a brisk trade was carried on in Westminster Hall by the sempstresses who manufactured bands and cuffs, lace ruffles, and lawn kerchiefs for the grave counsellors and young gallants of the Inns of Court. "From thence," says the author of 'The London Spy,' "we walked down by the sempstresses, who were very nicely digitising and pleating turnsovers and ruffles for the young students, and coaxing them with amorous looks, obliging cant, and inviting gestures, to give so extravagant a price for what they buy."

From collars of lace and lawn, let us turn to collars of precious metal.

"A word or two now," observes Dugdale, "concerning the collars of SS, so worn by the Chief Justices and Chief Baron as aforesaid. That this kind of ornament hath been very anciently used here in England, especially by the Knights, we have sufficient testimony from monuments and tombs of near 300 years old; how long before I dare not take upon me to say; but the original occasion of them is of much greater antiquity; which, from an author of credit, writing of the lives of Simplicius and Faustinus, Brethren and Roman Senators, who suffered martyrdome under Dioclesian the Emperour, I shall here add—'Illo ipso loco (Bibliothecam Fuldensem intelligit) reperi societatem sancti Simplicii descriptam, quæ constitit ex viris domi nobilibus. Horum consuetudo fuit Torques argenteas de gemmis SS fabricatas collo gestare. Geminæ vero SS indicabant S. Simplicii nomen. Per harum intervallum continebat Torquis duodecim laminas minutissimas de argento, in quibus insculpti erant duodecim articuli fidei Christianæ, una cum trifolio Simpliciano. A Torque autem

believe that this seeming apathy, which was the effect of his reason and just estimate of things, with respect to his character and good or evil consequences, was prejudicial to him at court; for the tricksters and jesters there (as I hinted before) thought he would bear anything. But he showed most of them, and to their faces, that he knew how to resent; as I have touched, on the occasion of the calumny of the rhinoceros, in proper place." Human anger never exceeded the violence of the rage into which Francis Nomh was flung by the "foolish lie of the rhinoceros."

visebatur Simplicius pensilis, & ab eo septem laminæ, septem charismata spiritus sancti significantes. Porro hoc toto mysterio dicebatur, ut isti ita torquati in religione Christianâ, tam domi quam militiæ perdurarent constantissimi.' And the reason of this chain so used by such noble persons, was in regard that these two Brethren were martyred by tying a stone with a chain about their necks, and casting their bodies into the river Tiber."

Antiquarians have unanimously rejected this fanciful legend concerning the SS collar, as well as many not less ingenious interpretations of the mystic letters; and at the present time it is almost unanimously settled that the SS collar is the old Lancastrian badge, corresponding to the Yorkist collar of Roses and Suns, and that the S is either the initial of the sentimental word "Souvenez," or, as Mr. Beltz maintains, the initial letter of the sentimental motto, "Souvenez-vous de moi." In Mr. Foss's valuable work, "The Judges of England," at the commencement of the seventh volume, the curious reader may find an excellent summary* of all that has been or can be said about the origin of this piece of feudal livery, which,

* Mr. Foss says—"It seems, however, to be satisfactorily established that badges or liveries were first introduced into this kingdom in the reign of Richard II., and that John of Gaunt, Duke of Lancaster, the king's uncle, first used this collar. Antiquarians have differed as to whether the form is the representation of a letter or something else, and as to its signification, if a letter. By some it has been thought to be merely a chain, the links being formed in the shape of the letter; while others consider it the 'ensign of the equestrian order, from the S-shaped lever upon the bit of the bridle of the war-steed.' But both these suppositions are inconsistent, not only with the form of the oldest examples, which invariably represent the letters placed separate and apart from each other, but also with the name by which the collar is commonly distinguished, and which is confirmed by an inventory of the earliest time, in which the letter S is distinctly stated to be of the Duke of Lancaster's livery.

"Then, admitting that the figure is intended for the letter S, its signification has been variously interpreted, and even now it is not positively settled. One calls it the initial of St. Simplicius, a martyred Roman senator; a second connects the device with the Order of the Garter, as the initial of the Countess of Salisbury; a third says it means 'Soissons,' and was given by Henry V. in honour of St. Crespin and St. Crespinian, the martyrs of that place, on whose anniversary the battle of Agincourt was fought. But the first is without authority, and beyond all likelihood; and the second event occurred some years before, and the third some years after, the use of the collar was introduced. 'Signum,' simply, and 'Sanctus, Sanctus, Sanctus,' of the Salisbury Liturgy and Ritual, have found advocates; but the first is too unmeaning, and the second must be rejected, as we have no other instances of livery collars in England partaking of religious allusion. Mr. Willement suggests 'Soverayne,' the motto of Henry IV.; and Mr. J. G. Nichols thinks the letter means 'Seneschallus,' or steward, an office which John of Gaunt inherited in right of his

having at one time been very generally assumed by all gentle and fairly prosperous partisans of the House of Lancaster, has for many generations been the distinctive badge of a few official persons. In the second year of Henry IV. an ordinance forbade knights and esquires to wear the collar, save in the king's presence; and in the reign of Henry VIII., the privilege of wearing the collar was taken away from simple esquires by the "Acte for Reformacyon of Excesse in Apparayle," 24 Henry VIII. c. 13, which ordained "That no man oneless he be a knight . . . weare any color of Gold, named a color of S." Gradually knights and non-official persons relinquished the decoration; and in our own day the right to bear it is restricted

wife, the daughter of Henry of Lancaster. But the fact, recorded in the Rolls of Parliament (iii. 313), that King Richard II. wore it on some occasions out of love to his uncle, sufficiently refutes either of these interpretations; for, had it borne the latter, it does not seem likely that the king would have worn it, as it would have been not so much the badge of a kinsman as of an officer of his own household. In addition to this objection, no other example of a collar bearing the mere initial of the name of an office can, it is believed, be produced.

"Looking at the practice of the time, the emblems generally adopted were expressive of some sentiment, or connected with some armorial bearing of the individual. Thus, we find the broom-cod (*cosses de geneste*) on the collar of the King of France; branches of rosemary on that of Anne, Richard's first queen; links, or fetter-locks, and falcons on the livery of the Duke of York; and the word 'plesance' embroidered on other collars. The conjecture, therefore, of Mr. Beltz, that the letter S means 'Souvenez,' as part of the motto 'Souvenez-vous de moi,' seems to be nearer the mark; and I am inclined to believe him to be right with respect to the *word* intended to be signified, whether he be correct or not in considering it the abbreviation of the motto. The simple word is sufficiently expressive, and one very likely, in those days of romance and sentiment, to be adopted as a motto by itself. That it was so, is proved by an entry on the Issue Roll of 8 Henry IV., which records that a goldsmith was paid the large sum of 385*l.* 6*s.* 8*d.* for a collar of gold, worked with this motto, 'Soveignez,' and the letter S garnished with a great variety of jewels. . . . . In 'Popham's Reports,' p. 43, he records, that on the call of serjeants in Easter, 36 Eliz. 1594, 'the Chief Justices and Chief Baron met in Middle Temple Hall in, &c., and with their collars of SS'—seemingly a recent introduction, as it had never been mentioned before on a similar occasion.

"The form and appendages of the collar underwent many changes. It was at first a small collar, fitting close to the neck, with the letter S placed at equal distances on a stiff band of a dark colour, the ends of which bent outwardly, and were united by a chain. Pendent jewelled rings were then added, and afterwards Henry VII.'s Beaufort badge of the portcullis with the rose; and the form and material were at length increased in size and value by the introduction of a garter-knot between the letters, till the collar became the gorgeous ornament which now decorates the chiefs. It consists of twenty-eight of the letters, and twenty-seven of the knots, besides the two portcullises and the rose, the diameter of the latter being about an inch and three-quarters, and the rest of the chain in proportion. The weight of the whole is about four pounds of gold."—*Foss's Judges of England.*

to the two Chief Justices, the Chief Baron, the serjeant-trumpeter, and all the officers of the Heralds' College, pursuivants excepted; "unless," adds Mr. Foss, "the Lord Mayor of London is to be included, whose collar is somewhat similar, and is composed of twenty-eight SS, fourteen roses, thirteen knots, and measures sixty-four inches."

The SS collar worn by the present Chief Justice of the Common Pleas was transferred without payment to Sir Thomas Wilde (afterwards Lord Truro) by the representatives of his predecessor, Chief Justice Tindal, on condition that it should pass with the office to each new chief of the Pleas. Its history can be traced with certainty to 1714, and there is a tradition that it was worn by Sir Edward Coke, having been transmitted from chief to chief, since the days of Bacon's rival. In opposition to this story is the statement of Sir Dudley Carleton, who, in a letter dated Nov. 23, 1616, asserts that Coke's successor in the Common Pleas offered to buy Sir Edward's SS collar, and that the fallen judge replied, "he would not part with it, but leave it unto his posterity, that they might one day know that they had a Chief Justice for an ancestor." On the other hand, this anecdote is discountenanced by the fact, that no SS collar is preserved at Holkham amongst the relics of the great lawyer.

Since 1818 the King's Bench has seen three new SS collars —Sir Alexander Cockburn, Lord Campbell, and Sir Charles Abbott (Lord Tenterden) having each bought a new badge on mounting to the chief's seat. On his retirement in 1818, Lord Ellenborough, exercising his unquestionable legal right to retain possession of a chattel bought and paid for with his own money, rather unhandsomely withdrew from the King's Bench the SS collar which had been worn by Sir Matthew Hale and all succeeding chiefs of the court. Lord Campbell declining to purchase his predecessor's collar, Lord Denman presented it to the Corporation of Derby for the decoration of the mayors of that ancient town.

END OF THE FIRST VOLUME.

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